HOUSE OF ASSEMBLY

Tuesday 5 July 2005

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

ASSENT TO BILLS

His Excellency the Governor's Deputy, by message, assented to the following bills:

Recreational Services (Limitation of Liability) (Miscellaneous) Amendment,

Statutes Amendment (Budget 2005).

CHARITABLE ORGANISATIONS, PAYROLL TAX

A petition signed by 20 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 the Hon. J.D. Hill.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 142, 192, 231, 287, 388, 433, 497, 499 and 503; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

PREMIER'S SCIENCE RESEARCH COUNCIL

142. **Mr HAMILTON-SMITH:**

1. When will the Premier's Science Research Council release its strategic plan?

2. How many Council meetings have been held, how many were attended by the Premier or the Minister and what has been achieved?

The Hon. K.A. MAYWALD: I have received this advice:

1. The Premier's Science and Research Council released its strategic plan, in the form of a 10-year Vision for Science, Technology and Innovation in South Australia (STI[10]), in April 2004.

2. Since its inception in 2002 the Council has held a total of 10 formal meetings. Of these, the Premier has attended eight meetings and the Minister for Science and Information Economy has attended all 10.

Major achievements of the Council to date include:

- development and release of STI[10]
- commencement of planning and negotiations for implementation of the "Adelaide Innovation Constellation" concept (as outlined in STI[10]), involving:
  - Waite innovation precinct at the Waite campus
  - Mawson innovation precinct at Mawson Lakes
  - Florey innovation precinct in North Terrace/ Frome Road, Adelaide
  - Flinders innovation precinct in the Flinders University/ Flinders Medical Centre/ Science Park Area
  - Thebarton innovation precinct at Thebarton.
- creation of the Premier's Science and Research Fund (PSRF), to support significant collaboration research projects that have the potential to deliver "transformational' outcomes in areas of strategic significance to South Australia. To date:
  - the fund provides $3 million per annum to support appropriate projects
  - 10 projects have been funded through two rounds of the PSRF, representing a total commitment to 2006/07 of $6.1 million. This will support projects that are estimated to have a total value of around $20 million.
- identification of broad priority areas for future STI investment:
  - food/wine/fish research to support industry
  - health and medical research (with an emphasis on the young and the ageing)
  - defence, particularly information and communications technology and advanced materials (including minerals processing and related areas); and civilian applications of defence technologies
  - environmental systems and technologies, including water related research activities.

TVSPs AND MITSUBISHI SCIENCE AND TECHNOLOGY CENTRE

192. **Mr HAMILTON-SMITH:** When will my questions asked in Estimates Committee B on 18 June 2004 regarding TVSP's and the Mitsubishi Science and Technology Centre, respectively, be answered?

The Hon. J.D. LOMAX-SMITH: The Minister for Industry and Trade has provided the following information:

The question asked in Estimates Committee B on 18 June 2004 regarding TVSP's was answered on 4 April 2005 in the House of Assembly Hansard (page 2050).

The response to the question regarding the Mitsubishi Science and Technology Centre was printed in the "House of Assembly—Estimates Committees A and B Replies to Questions" publication for the Third Session (page 229).

NATIONAL RESERVE SYSTEM PROGRAM

231. **Dr McFETRIDGE:**

1. Has any local council, Government agency or organisation received financial assistance from the National Reserve System Program since 1996 and if so, who are the recipients and what are the details of each project?

2. What are the details of any land or project currently identified as meeting the National Reserve System Program criteria?

The Hon. J.D. HILL: I have been advised that:

1. Between 1997 and 2004 the National Reserve System (NRS) component of the Natural Heritage Trust has provided $9.4 million to 38 projects in South Australia. The Department for Environment and Heritage has received nearly $6 million from the NRS program to purchase 21 properties covering just over 250,000 hectares. Other groups have received $865,000 to purchase eight properties covering 133,350 hectares. There were also three projects that received $1.3 million that didn't involve land purchase. Finally there were six projects to establish Indigenous Protected Areas covering 3.4 million hectares that received $1.1 million from the NRS program. To receive funding, the land needs to meet appropriate criteria under the Australian Guidelines for Establishing the National Reserve System or develop best practice for the management of protected areas. The South Australian Government is required to match the Commonwealth funds with equal cash funding for a land purchase. Private land purchases receive two for one funding.

2. As part of the National Reserve System Program, the Commonwealth has approved three applications to purchase land for 2004-05 and a further three were approved but deferred for funding until 2005-06. No advice has been received on applications from private or Indigenous applicants.

COWELL ELECTRIC SUPPLY

287. **Mr WILLIAMS:**

1. Why were the tenders by Cowell Electric Supply for the provision of services to the electrical distribution systems (ref 1020-E-2003) submitted on 8 May 2003 and for the operation and maintenance of power stations (ref 1019-E-2003) submitted 15 May 2003 not acknowledged?

2. Why was a tender briefing held on 19 October 2004 for the operation and maintenance of power stations in remote areas and a subsequent tender call made (ref DFC 010811) when Cowell Electric Supply was not notified of the outcome of the previous tender?

3. What processes are in place to ensure that all tenders are called in good faith and that all submissions received are treated on merit?

The Minister for Aboriginal Affairs and Reconciliation has advised that:

The Hon. M.J. WRIGHT:

1. It is acknowledged that receipt of the tenders was not acknowledged formally, however the evaluation process resulted in Cowell Electric Supply receiving a number of e-mail communications from the Department for Aboriginal Affairs and Reconciliation seeking additional information and clarification of its offer. It is considered that because of these communications, Cowell Electric Supply was fully aware that its offer was being actively considered. Administrative procedures have now been put in place to ensure that the receipt of tenders is always acknowledged formally.

2.The tender process did not proceed as none of the offers received was assessed as satisfactory. It is acknowledged that written advice to tenderers was not provided. This however did not reflect on the integrity of the evaluation process and outcomes. Procedures have since been put in place to ensure that written advice is always given.

At the same time as the evaluation was completed, DAARE commissioned a review to assess its capability and competencies to meet the high level strategic challenges in delivery of essential service delivery to Aboriginal communities. As a result, a more strategic approach to infrastructure delivery was identified and expert resources were engaged to develop new strategies to secure a suitable licensed operator for the operation and management of remote area power supplies for remote Aboriginal communities.

As part of the preparation for the latest electrical generation tender released in October 2004, potential providers, including Cowell Electric Supply were advised verbally by the Department for Aboriginal Affairs and Reconciliation of the intent to release a new tender for electrical generation in remote Aboriginal communities. This was also supported by advance notification in the national print media. To provide the supply market a further opportunity to understand the project requirements, the Department held a briefing session for prospective tenderers immediately following the release of tender documents. A representative from Cowell Electric Supply attended the session.

3. The Department for Aboriginal Affairs and Reconciliation is now well positioned with a team of procurement specialists providing effective management and oversight of tender and contract processes. All offers received are formally acknowledged and decisions taken on processes are communicated as a matter of policy.

All offers received are evaluated according to an approved evaluation plan. This can include past experience, capability, organisational structure and strength, the extent to which the offer complies with the specification and value for money.

Current practices are in accordance with the *State Supply Act 1985*, State Supply Board policies and other government accountability requirements to ensure DAARE conducts it's business to obtain value in the expenditure of public money, to provide ethical and fair treatment of participants and to ensure probity, accountability and transparency in procurement operations.

POLLS

388. **Mr HANNA:** Have any polls of the South Australian public been conducted by, or on behalf of, the Minister or the Department over the past 12 months and if so, what are the details and results of each poll undertaken?

The Hon. P.F. CONLON: I provide the following information:

No polls of the South Australian public have been conducted by, or on behalf of, the Minister for Energy or the Department over the past 12 months.

A poll is defined as 'an analysis of public opinion on a subject usually by selective sampling'.

LUCAS, Hon. R.I.

433. **Mr KOUTSANTONIS:** How many written representations from the Hon. R.I. Lucas MLC on behalf of South Australian constituents have been received since March 2002?

The Hon. L. STEVENS: The Minister for Emergency Services has provided the following information:

No written representations have been received from the Hon. R.I. Lucas MLC by the Hon. Patrick Conlon MP, in his capacity as Minister for Emergency Services, or myself in my capacity as Minister for Emergency Services, Minister Assisting in Mental Health, Minister Assisting the Minister for Industry and Trade.

DESALINATION PLANT

497. **Mrs PENFOLD:** Will the privately funded desalination plant proposed at Ceduna be given the right to sell water to SA Water at commercial rates?

The Hon. M.J. WRIGHT: SA Water is able to purchase goods and services required for the provision of water and wastewater services within delegated financial limits. If SA Water needs to purchase water at Ceduna, it may do so within these delegations.

NATIONAL HERITAGE TRUST FUNDING

499. **Mrs PENFOLD:** Has the state government matched the $2.68 million of National Heritage Trust Funding committed by the Federal government on 25 February 2005 for a package to re-establish farming enterprises in the bushfire ravaged farm land on the lower Eyre Peninsula and if not, why not?

The Hon. J.D. HILL: I have recently announced together with the Minister for Agriculture, Food and Fisheries that:

The State Government has committed an additional $2.68 million in assistance, to be matched by the Federal Government, to the lower Eyre Peninsula Agriculture, Natural Resources and Biodiversity Conservation program.

This program, costed at up to $5.36 million, will help in the long term re-establishment of farming enterprises while also protecting and enhancing the environment. It will support farmers and land managers with technical and planning advice, as well as providing grants for productivity and natural resource improvement.

While details of the program are currently being worked through with Australian Government officials, the planning support aspects of the program have already commenced.

The program will build on a series of 'Getting Started' workshops, which have helped farmers prepare for the immediate needs of the upcoming agricultural season, including the re-introduction of livestock and the protection of natural resources and biodiversity. An initial property planning workshop program is underway to support management decision making.

The additional funding is on top of more than $10 million already provided by the State Government for bushfire relief programs.

AERIAL SURVEYS

503. **The Hon. G.M. GUNN:** Why are helicopters sourced from Sydney conducting aerial surveys of streams around Burra (as stated in the Burra Broadcaster on 20 April 2005), what was the tendering process for this work, were local providers given an opportunity to tender and if not, why not?

The Hon. J.D. HILL: I have been advised that:

The provision of watercourse aerial survey using helicopter captured, geo-referenced aerial video mapping systems, is a specialist service not available in South Australia.

A previous tender process employed by the Department of Water, Land and Biodiversity Conservation identified Gyrovision, who use Sydney Helicopters for image capture, as the only supplier of this service.

The work was engaged by the Northern and Yorke Integrated Natural Resource Management Committee in partnership with the River Murray Catchment Water Management Board.

HOSPITALS, LYELL McEWIN HEALTH SERVICE

In reply to **Hon. DEAN BROWN** (24 May).

The Hon. L. STEVENS: Four cases were cancelled, not seven as reported. Those cancelled were as follows:

- Neck exploration that required a High Dependency Unit (HDU) bed;
- Laparotomy, Anterior Resection;
- Two Prostate procedures.

All operations were rescheduled, with the Prostate procedures undertaken on Friday 27 May 2005.

In this particular instance, the Lyell McEwin emergency department experienced a high demand for services on the previous night, which resulted in 20 patients requiring admission. Unfortunately, this placed considerable pressure on the beds available on the Monday morning and it was necessary to reschedule four patients to a later time.

This circumstance does not arise frequently at the Lyell McEwin Health Service and the inconvenience to the patients concerned is regretted.

METROPOLITAN FIRE SERVICE

In reply to **Hon. W.A. MATTHEW** (9 March).

The Hon. L. STEVENS: The Minster for Emergency Services has provided the following information:

The auditor reports that South Australian Metropolitan Fire Service (SAMFS) is non-compliant and/or failed to provide evidence to enable validation of several (key) elements, **not** that it has failed to meet basic legal compliance.

The auditor documented that 'whilst there are difficulties with validation of various aspects of the performance standards, SAMFS clearly demonstrated organisational infrastructure, reporting mechanisms and proficiency that is more than capable of meeting WorkCover requirements'.

The auditor further reported that SAMFS systems have the capacity to present a benchmark for the Government sector concerning integration of OHS into business management systems. It is quite conceivable the SAMFS systems may be used in future as an example of best practice in OHS across the public sector.

To this end SAMFS has broadened its business planning process to demonstrate clear links that programmable elements pertaining to OHS (WorkCover Performance Standards For Self Insurers) are reflected in their business systems.

Note: Validation is the process the auditor uses to ensure that what is said will be done by an agency, actually is done in relation to a systems approach to OHS.

In response to Mr Matthew's supplementary question the Minister for Emergency Services provides the following information:

Following the WorkCover Audit results, SAMFS developed a 12 month improvement plan to implement corrective actions associated with the evaluation notes. The SAMFS entered into an agreement to provide WorkCover with 3 monthly reports to keep them informed of the progress that has been made.

The SAMFS Chief Officer has also had a number of meetings with the auditor to report the progress achieved on the strategies implemented.

In reply to **Hon. W.A. MATTHEW** (9 March).

The Hon. L. STEVENS: The Minister for Emergency Services has provided the following information:

This question relates to Standard 3, Element 8, (Implementation, Hazard Identification, Evaluation and Control) of the WorkCover Performance Standards for Self Insurers and actually highlights that SAMFS **does** integrate OHS into their operational systems.

The auditor identified the SAMFS Risk Management Plan for the Clipsal 500 as a good example of how well this is achieved.

In reply to **Hon. W.A. MATTHEW** (8 March).

The Hon. L. STEVENS: The Minister for Emergency Services has provided the following information:

These observations were made specifically in relation to Standard 3, Element 7, Implementation Contingency Planning of the WorkCover Performance Standards for Self Insurers.

The observations were directly in relation to an example of how the South Australian Metropolitan Fire Service (SAMFS) tests, evaluates and implements remedial actions for its contingency plans; in this case through internal auditing of its evacuation procedures at Adelaide Station.

The internal audit verified that some of the practices did not match the written procedure, i.e. some practices did not conform. It does not mean that the evacuation was unsuccessful, only that the procedure needed amendment.

The Auditor's observations were in relation to the manner in which recommendations from the internal audits are to be followed up and remedial action implemented.

As a result of the internal audit, Service Administrative Procedure No. 38 "Adelaide Station Complex Emergency Evacuation Procedures" has been amended, as has Service Administrative Procedure No. 10 "Reviewing and Amending Policies and Procedures", which clarifies how the remedial actions are implemented.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. W.A. MATTHEW** (25 October 2004).

The Hon. L. STEVENS: The Minister for Emergency Services has provided the following information:

As detailed in the Auditor-General's Report, page 852, expenditure on Travel and Training by the SA Metropolitan Fire Service (SAMFS) over the two year period to 30 June 2004 is $1.916 million.

In accordance with new reporting requirements, the SAMFS separated the cost of supplies and services for training and travel into two categories; those services provided by entities within the South Australian Government and those provided external to the South Australian Government:

Travel and Training	2003	2004	Total over 2 Years
Within SA Government	$484 000	$102 000	$586 000
External to SA Government	$437 000	$893 000	$1 330 000
Total	$921 000	$995 000	$1 916 000

Of the total amount of $1.916 million over two years, $1.452 million (76%) relates to training and $0.464 million (24%) relates to travel.

The training expenditure includes the costs of recruitment (except for the salaries component) and the delivery of the SAMFS Staff Development Framework to its employees. This training is relatively equally spread across the SAMFS workforce and is largely determined by the structure of the SAMFS Staff Development Framework. The SAMFS has a total of 1 025 employees and this expenditure equates to an average of $1 410 of training per employee over the two years.

Expenditure relating to particular individual officers may vary from the average due to the specific needs of their position or the nature of the training.

Travel costs of $0.464 million were divided as follows:

Intrastate Travel

2003	2004	Total Over 2 Years
$130 000	$103 000	$233 000

The SAMFS employees travelled to support 18 metropolitan stations and 17 regional stations. The purpose of the travel included training, communications technical work, fire cause investigations and community education. Costs include allowances paid for meals and incidentals in accordance with South Australian Government guidelines.

Interstate Travel

2003	2004	Total Over 2 Years
$24 000	$60 000	$84 000

The SAMFS employees travelled interstate, with authorisation by responsible officers, for purposes including Australasian Fire Authority Council committee meetings and conferences; training courses; CBR procedures; fire safety and built environment issues and standards meetings. Costs incurred typically included airfares, accommodation and allowances paid for meals and incidentals in accordance with South Australian Government guidelines.

International Travel

2003	2004	Total Over 2 Years
$64 000	$83 000	$147 000

Some SAMFS officers travelled to overseas destinations to represent the SAMFS at conferences, meetings and training courses. During the two year period to 30 June 2004, a small group travelled to Barcelona to observe the World Police and Fire Games in preparation for the SAMFS contribution to the organisation of the 2007-08 World Police and Fire Games in Adelaide.

It should be noted that subsidies and contributions of $25 913 were obtained to meet expenses relating to some travel costs. The subsidies and contributions include partial (around 66%) subsidisation of the first trip of the Tonga Assistance Program by the South pacific Applied Geoscience Commission (SOPAC) and partial subsidisation of attendance at International Standards Meetings. The second trip of the Tonga Assistance Program, delayed to 2004-05, was fully subsidised by SOPAC and the Tongan Government.

In all other cases, these costs were met directly by the SAMFS in accordance with South Australian Government guidelines.

The following is a summary of overseas travel:

Name	Cost	Other Information
Bradley, J	$14 876	Tonga Assistance Program (1 trip) Tactical communications, USA, Canada and Europe (1 trip)
Dwyer, W	$3 906	World Police and Fire Games, Spain (1 trip)
Gower, S	$1 562	World Police and Fire Games, Spain (1 trip) (Accommodation and Expenses only)
Jamieson, W	$1 562	World Police and Fire Games, Spain (1 trip) (Accommodation and Expenses only)
Keen, B	$3 027	Tonga Assistance Program (1 trip)
Lupton, G	$48 471	Tonga Assistance Program (2 trips—including one trip delayed to 2004–05) World Police and Fire Games, Spain and UK Fire Engineering Conference (1 trip) 5 visits to Canada since July 2002 under terms of employment entered into by the previous government, including attendance at Asian Fire Chiefs' Conference in Japan
Mangelsdorf, N	$3 727	World Police and Fire Games, Spain (1 trip)
Ryan, K	$3 852	OHSW Conference San Francisco (1 trip)
Schmerl, D	$4 679	Appliance manufacturer research, Christchurch NZ (1 trip) Tonga Assistance Program (1 trip delayed to 2004–05)
Smith, M	$47 121	International Standards Meetings (4 separate trips to Berlin, London, Paris, Winnipeg—all partly subsidised) Brigade Commanders Course, (Moreton-on-Marsh UK) comprising approved training program (4 trips)
Various SAMFS Participants	$14 300	Accommodation costs for SAMFS representatives at World Police and Fire Games, Spain
Total Gross Expenditure	**$147 083**	
Less: subsidies and contributions from external entities	($25 913)	Includes partial (around 66%) subsidisation of the first trip of the Tonga Assistance Program by the South Pacific Applied Geoscience Commission (SOPAC) and partial subsidisation of attendance at International Standards Meetings. The second trip of the Tonga Assistance Program, delayed to 2004-05, was fully subsidised by SOPAC and the Tongan Government.
Net Cost	**$121 170**	

PAPERS TABLED

The following papers were laid on the table:

By the Treasurer (Hon. K.O. Foley)—

- Super SA Report—Insurance Review
- Emergency Services Act—Emergency Services Funding—
  - Declaration of Levy and Area and Land Use Factors—Notice 2005
  - Declaration of Levy for Vehicles and Vessels—Notice 2005
- Regulations under the following Act—
- Emergency Services Funding—Land Remissions

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

- Regulations under the following Acts—
  - Highways—Port River Expressway Project
  - Public Corporations—South Australian Infrastructure Corporation

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

- Regulations under the following Acts—
  - Australian Energy Market Commission Establishment—Annual Reports

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

- Regulations under the following Acts—
  - Coroners—Reportable Death
  - Security and Investigation Agents—Additional Fee Increases
- Rules of Court—
  - Supreme Court—E-filing

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

- Gene Technology Activities—Report 2004
- Regulations under the following Acts—
  - Medical Practice—Miscellaneous
  - South Australian Health Commission—Fees for Services

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

- Aboriginal Lands Trust—Report 2003-04
- Regulations under the following Acts—
  - Agricultural and Veterinary Products (Control of Use) Act 2002, Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986, Aquaculture Act 2001, Controlled Substances Act 1984, Development Act 1993, Native Vegetation Act 1991, Natural Gas Authority Act 1967, Pastoral Land Management and Conservation Act 1989, Public and Environmental Health Act 1987, River Murray Act 2003, Workers Rehabilitation and Compensation Act 1986—Revocation of Water Resources Act 1997
  - Historic Shipwrecks—Prohibition
  - Natural Resources Management—
    - Financial Provisions
    - General
  - Prevention of Cruelty to Animals—Traps and Codes
  - Radiation Protection and Control—Ionising Radiation

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

- Regulations under the following Act—
  - Daylight Saving—Summer Time

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

- Independent Gambling Authority—
  - Inquiry into Effectiveness of Gambling Rehabilitation Programs Report
  - Inquiry into Smartcard Technology Report.
- Regulations under the following Act—
  - Authorised Betting Operations—Betting Price Information

By the Minister for Education and Children's Services (Hon. J.D. Lomax-Smith)—

- Regulations under the following Acts—

Development—Osborne Maritime Policy Area
Petroleum (Submerged Lands)—General

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

Regulations under the following Act—
Liquor Licensing—Port Pirie Dry Zone.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. ATKINSON: On 14 June I received a request from the Director of Public Prosecutions asking that his position be linked to that of a puisne judge of the Supreme Court for remuneration purposes. The Director of Public Prosecutions started work on 26 April this year, a little more than seven weeks before I received the undated minute to which I have today responded to the DPP and which I will now reveal to parliament. It is worth noting that this issue of a pay rise was first raised by the DPP in a meeting with the Premier, me, and about 70 staff of the DPP's office when we met them on 31 May this year. In fact, it was the very first issue of concern raised at the meeting.

Members interjecting:

The SPEAKER: Order! The Attorney will resume his seat. The house will come to order. Leave has been granted to the Attorney and the house will hear the Attorney.

The Hon. M.J. ATKINSON: At the meeting with the staff of the DPP, who complained of being overworked and having much too high a case load—a position I agree with, and we gave them an extra $500 000 recurrent to try to ease that load on them—the first issue raised was the status of the Director of Public Prosecutions. I am advised that the remuneration of a judge of the Supreme Court is:

1. an annual salary of $281 620;

2. benefits provided under the Judges Pensions Act 1971 (a package I am informed worth $112 648);

The Hon. Dean Brown interjecting:

The SPEAKER: I warn the member for Finniss.

The Hon. M.J. ATKINSON: And:

3. a vehicle to the standard of a Holden Calais at an annual cost of $758—

The Hon. Dean Brown interjecting:

The SPEAKER: The member for Finniss will be named in a minute.

The Hon. M.J. ATKINSON: That is an annual cost to the office holder of $758 for a Holden Calais fully fuelled and maintained, with parking close to place of work. This may be nominally valued at about $12 000. So, the three components are: $281 620, superannuation of $112 648, and a car worth $12 000 annually. That is the total package.

Mr Scalzi interjecting:

The SPEAKER: I warn the member for Hartley.

The Hon. M.J. ATKINSON: This remuneration package as a total value for the DPP would be $406 268.

Members interjecting:

The Hon. M.J. ATKINSON: The total value of the package, as applied for, I am advised, would be $406 268. The DPP's—

The Hon. R.G. KERIN: I rise on point of order, sir. I ask you to rule. Ministerial statements are to deliver information. The Attorney-General is debating it and attacking a senior public servant, when all he has to say is that they have not agreed to a pay rise.

The SPEAKER: The Attorney-General is not debating it. He is trying to give the information, but he cannot do that because there are too many interruptions.

The Hon. M.J. ATKINSON: This remuneration package has a total value of $406 268, as applied for. The DPP's current remuneration package, which came into effect on 26 April, is $280 000. To increase that by $126 268, in order to establish the link that the DPP now seeks, represents a pay increase of roughly 45 per cent. The DPP was aware of the terms of his contract, as they were explained to him by my Chief Executive in a telephone conversation on 1 December 2004. On that occasion my Chief Executive explained that the package included superannuation and a motor vehicle. Cabinet considered this request for a pay increase, and concluded yesterday that it was inappropriate and just not right. However, the opposition has said that this pay increase should be met in full. We are prepared—

Members interjecting:

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

Mr Scalzi interjecting:

The SPEAKER: Order! The member for Hartley will be able to take a walk shortly if he persists with that behaviour.

The Hon. M.J. ATKINSON: Mr Speaker, several members of the opposition just rose to say that the DPP is worth every cent of the pay increase he has just asked for. We are prepared—

The Hon. R.G. KERIN: I rise on point of order, sir. The Attorney-General is obviously being disorderly. He is responding to interjections and debating the issue.

The SPEAKER: Order! The Attorney-General should not respond to an interjection but, rather, conclude his statement.

The Hon. M.J. ATKINSON: To be fair, we are preparing to send this request to the Commissioner for Public Employment for his consideration and recommendation.

Mr Williams interjecting:

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

The Hon. Dean Brown interjecting:

The SPEAKER: Order! I name the member for Finniss. He has been here a long time and knows the rules. Does he wish to explain and apologise?

The Hon. DEAN BROWN: Mr Speaker, I do apologise. I was not attempting to interrupt the house. I was simply passing back a comment that came across from the other bench. I certainly apologise if I disrupted the house.

The SPEAKER: I point out to all members that the behaviour that has been occurring thus far today will not be tolerated any longer. The chair will not be lenient in seeking the support of the house to have a member suspended.

SMARTCARD TECHNOLOGY AND GAMBLING REHABILITATION PROGRAMS

The Hon. M.J. WRIGHT (Minister for Administrative Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.J. WRIGHT: I inform the house that I am tabling the following two reports by the Independent Gambling Authority:

- Inquiry into smartcard technology; and
- Inquiry into effectiveness of gambling rehabilitation programs.

I take this opportunity to thank the Independent Gambling Authority for these two reports. The Smartcard Inquiry Report came about by an amendment to the Gaming Ma-

chines (Miscellaneous) Amendment Act 2004. The amendment tabled by the Hon. Nick Xenophon in the Legislative Council required a report on how smartcard technology might be implemented with a view to reducing problem gambling significantly. That report was required within six months of the legislation coming into force.

Similarly, the report on gambling rehabilitation programs was an amendment moved by the Hon. Angus Redford in the Legislative Council, and it also required a report within six months of the legislation coming into force. I note in both instances the tight time lines set by the parliament. The smartcard inquiry report recommends that legislation should be introduced to parliament for the implementation of a mandatory system that enables the tracking of a person's play, the setting of limits and exclusion from play. The smartcard report raises many significant issues, including technology, costs and benefits, privacy and cashless gaming, all of which are complex.

The technology of monitoring gaming machines, coupled with any other new, yet to be proven software, is incredibly complex, and smartcard technology as contemplated by this report does not exist anywhere else in the world. It has to be a key consideration of government that approved monitoring hardware and software, which is integral to the effective regulation of the gaming industry, is not compromised by any other technology. The report canvasses various smartcard technologies. Many models examined are not fully developed or operational in a gaming environment and are referred to as 'future technologies'. More certainty is needed over implementation and operational matters.

The costs of a smartcard scheme are unknown and the benefits unproven. More research would need to be done on aspects of smartcards and precommitment schemes. The report also raises issues of privacy. This is a key concern for the community of South Australia, and more work would be required to examine and educate the community on this issue. The privacy debate is central to the concept of a mandatory versus a voluntary scheme.

The report also canvasses cashless gaming as an adjunct to smartcard technology. This is an issue that the parliament has not previously supported. It is considered premature to introduce such a scheme, and the government does not intend to introduce legislation.

It should also be noted that the Ministerial Council on Gambling is currently undertaking research into the broader issues of the decision making processes of gamblers and how any precommitment scheme could be used to address problem gambling. South Australia has made a financial contribution to the ministerial council research program, and the IGA is South Australia's representative on the research working party.

I now turn to gambling rehabilitation programs. First, I acknowledge the significant purpose of this inquiry to examine the effectiveness of gambling rehabilitation programs. Government welcomes the report and its recommendations.

The joint ministerial statement on gambling signed by me and the Minister for Families and Communities in March of this year commits the two portfolios to coordinating state effort on gambling service responses. It recognises the IGA's role in informing responses to address problem gambling in accordance with its prescribed role in the IGA act of developing strategies for reducing the incidence of problem gambling. Government recognises that the effective provision of gambling rehabilitation services is a central and important strategy for addressing the negative social impacts of gambling in South Australia. The funding and implementation of these services is crucial to ensuring that the harm caused by problem gambling is avoided or minimised. The government welcomes the proposed role of the Independent Gambling Authority in providing independent advice to government and setting the broad policy context in which gambling services are delivered. It is envisaged that this role will include:

- proposing a broad strategic agenda through recommending key directions to guide the development of programs that minimise harm caused by problem gambling;
- the provision of advice regarding the balance and mix of funds allocated to such areas as key population groups, demographic areas, intervention types and research;
- undertaking independent evaluations of the effectiveness of gambling rehabilitation programs; and
- the provision of advice on training standards and gambling research priorities for South Australia.

The minister responsible for the implementation of the Gamblers Rehabilitation Fund and the Department for Families and Communities will be guided by these directions, and advice and will put these directions into operation through the provision of services. As such, operational policy, detailed planning and consultation will remain a function of the department.

SOCIAL DEVELOPMENT COMMITTEE

The Hon. P.L. WHITE (Taylor): I bring up the 22nd report of the committee, on an inquiry into multiple chemical sensitivity.

Report received.

QUESTION TIME

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.G. KERIN (Leader of the Opposition): My first question is to the Attorney-General. Does the DPP still have the confidence of the Attorney-General and the government? Today we witnessed an incredible and totally inappropriate attack on one of the state's senior legal officers which would indicate that the government has difficulty with the DPP's independence.

The SPEAKER: Order! The leader was commenting. The Attorney.

The Hon. M.J. ATKINSON (Attorney-General): I do have confidence in the Director of Public Prosecutions. I have confidence in Stephen Pallaras to fulfil the office of the Director of Public Prosecutions. However, the government is surprised by a request—after only seven weeks—for a pay increase that amounts to 45 per cent, which is something that other South Australian workers are not getting. In fact, I do not think that even politicians are getting that. But, to be fair, so that there can be no suggestion that there is a lack of fair play here, the request has been referred to the Office of the Commissioner for Public Employment to see what is a fair pay rate.

Nevertheless, very recently Mr Pallaras accepted the job of Director of Public Prosecutions at a certain pay rate. Very recently, a few weeks ago, he accepted that pay rate. I think that most members of the South Australian public would be a little surprised by an application for a pay increase of 45 per cent within weeks of agreeing to one contract.

I understand that Rob Ball of Ball Public Publications, which is retained at taxpayers' cost to do public relations for the office of the DPP, rang ABC radio this morning to say that it was not pay and conditions that Mr Pallaras was concerned about: it was status. Some South Australians might say that they would be happy to give Mr Pallaras the status provided that the 45 per cent increase was spent on something about which they had greater concerns.

The Hon. R.G. KERIN: I have a supplementary question. Was the detail of this pay rise leaked earlier today by the Attorney's office?

The SPEAKER: The Attorney does not wish to answer. The member for Torrens.

Members interjecting:

The SPEAKER: Order! The house will come to order before we proceed. The member for Torrens.

STATE ECONOMY

Mrs GERAGHTY (Torrens): Can the Treasurer provide details of the latest report from Bank SA on the state's economy?

The Hon. K.O. FOLEY (Treasurer): It is with great delight that I answer my colleague's question, because the economy in South Australia just keeps getting stronger. Last week, the Bank SA *Trends* report was released, and it gave a very upbeat assessment of South Australia's economy under this Labor government. I would like to read a few things from the report, and these are some quotes from Rob Chapman, the Managing Director of Bank SA. He states:

> This report points to an impressive potential pipeline of $20 billion in new capital spending in South Australia in addition to the $6 billion air warfare destroyer.

It went on to break down this massive surge in business investment in South Australia. The $20 billion is made up of 30 per cent in the mining and metals sector, including OneSteel's project Magnet of $250 million, and the $4 billion expansion of Olympic Dam.

The Hon. P.F. Conlon: It is now $350 million.

The Hon. K.O. FOLEY: It is now $350 million, I am told by my colleague the Minister for Infrastructure. There is 24 per cent in commercial building, including the Caversham Property development in the city, and the Hindmarsh Square development—in excess of $500 million in those particular projects. There is 23 per cent in economic infrastructure, including the $260 million development of Adelaide Airport delivered under this government; and 16 per cent in other manufacturing, including the Mitsubishi and Holden expansions.

Rob Chapman went on to talk about business investment in this state by stating:

> The state's economic output, an indicator of business optimism for the future, is higher than the solid national average and the gap continues to grow.

We are outstripping the nation, and economic growth in this state continues to surge.

The Hon. P.F. Conlon: And they're complaining about the wages.

The Hon. K.O. FOLEY: Wages. The old Socialist, the member for Waite, says to pay everyone more money; spend more money; raise taxes. The member for Waite, the would-be Liberal leader, cannot remember when journalists are no longer working for newspapers. He still rings them up with the leaks. Sir, what did Rob Chapman also say about business investment? He stated:

> South Australia is above par for business investment and has maintained stronger than average investment since late 2001.

Surprise, surprise! We came to office in early 2002. The increase in business investment is significantly higher than the rest of the country.

An honourable member interjecting:

The Hon. K.O. FOLEY: 'What have we done?', asks the member opposite. Thank you, very much. We have delivered as a government, in partnership with the federal Howard government, a $6 billion air warfare destroyer project here in South Australia. Yesterday in parliament, the shadow treasurer—

Members interjecting:

The SPEAKER: Order! The house will come to order. I do not know why people are so excited today.

The Hon. K.O. FOLEY: In relation to the air warfare destroyer, an investment by this government of $140 million in critical infrastructure was critical in winning this project. What did the shadow treasurer, Mr Lucas, say in the other house only yesterday? He criticised the government. I have just put out a press release with these statements from Mr Lucas. He says quite clearly:

> . . . the $140 million for the ASC development, even though the government will claim that many other companies will benefit, mark my words, it will be seen to have been exclusively for the benefit of the ASC.

He goes on to say:

> There are many other areas and it is not going to be overly difficult task to take the scalpel to examples of the Rann Government's waste right across the board.

So, the shadow treasurer of this state says that spending $140 million on the air warfare destroyers is a waste. That is not what the Leader of the Opposition is saying, and it is not what members opposite are saying. It is about time that the shadow treasurer was pulled into line.

Members interjecting:

The Hon. D.C. KOTZ: I rise on a point of order, Mr Speaker.

The SPEAKER: Order! The house will come to order before I take the point of order. The member for West Torrens will be warned in a minute. The member for Newland.

The Hon. D.C. KOTZ: Point of order, Mr Speaker: I believe that it is also against standing orders to have ministerial advisers in the galleries above the Speaker.

The SPEAKER: Order! They should not be there any longer than necessary to deliver—

Members interjecting:

The Hon. D.C. KOTZ: I believe the problem is now resolved. Thank you, Mr Speaker.

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Treasurer will resume his seat. Members of staff should not be in the gallery unless they are delivering something, and then they should leave straightaway. Has the Treasurer concluded?

The Hon. K.O. FOLEY: I was just about to conclude, sir. I think it was probably to deliver my press release, that shows that the shadow treasurer yesterday in this parliament criticised the government for spending money on the air warfare destroyers—direct conflict with his leader. The Leader of the Opposition has no backbone. If he had a backbone he would pull into line his shadow treasurer. In conclusion, can I say that I know the member for Bragg has

a particular interest in population policy, and there is a quote from Rob Chapman in that report that is important for us to hear. He says:

> In the past year regional South Australia has received the largest influx of people, making SA the only state where regional population growth outperforms the capital city.

That is what this government is doing for regional development. All I can say is that the Bank SA trends report is all good news for South Australia.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: It is a good report card on this government, and it shows that, notwithstanding the whingeing, whining and bleating members opposite, this state is being run well and is growing strong.

Members interjecting:

The SPEAKER: Order! The house will come to order. The Treasurer was debating the answer. The Leader of the Opposition.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): Thank you, sir. We are very appreciative that he finished where he did. My question is to the Premier. Given that the government has made claims on quite a few occasions that the McCann report was signed off on by independent Victorian legal teams, will the Premier now admit that, far from signing off, the Melbourne lawyers raised major concerns about the discrepancies between the evidence given by the Attorney-General and by Randall Ashbourne? In a 13-page letter reviewing the McCann investigation, special counsel Ron Beazley of the Victorian law firm Deacons says the inquiry was:

> . . . conducted with urgency and expedition. A much more thorough (and time consuming) investigation would no doubt resolve some of the outstanding issues which emerge from reading the material. For example, there is a difference between the evidence given by the Attorney-General and that of Ashbourne on the extent to which the Attorney-General knew that Clarke wanted or expected or should have a government appointment as part of the 'rehabilitation' process or in response to withdrawing defamation proceedings.

Mr Beazley continues:

> . . . Ashbourne gives a detailed account of some conversations with the Attorney-General in which there is a discussion about the Attorney-General's attitude to board appointments for Clarke and his willingness or otherwise to participate in achieving an appointment for Clarke.

The Hon. M.D. RANN (Premier): The McCann report was tabled yesterday, and the thing that seems a little bit curious about this is that when I received the McCann report—and Mr McCann went out and received independent advice from someone who used to be, as I understand it, the government solicitor of Victoria, and Mr Judd, and came back and gave advice to Mr McCann—the one thing that I insisted upon is that the matter be then immediately referred to the Auditor-General of this state, which, of course, the Liberals constantly refused to do. In fact, we had the spectacle of the Auditor-General coming down to parliament himself to expose the fact of the other side's cover-ups when they were in government, and that is the difference. I referred it to the independent Auditor-General, and had the guts to do so, unlike the cover-up tactics of the Olsen/Kerin government.

Mr Scalzi interjecting:

The SPEAKER: Order! The ice is very thin for the member for Hartley.

MOUNT BARKER CAMHS

Ms THOMPSON (Reynell): Can the Minister for Health update the house on child adolescent mental health services in the Mount Barker area?

The Hon. L. STEVENS (Minister for Health): I am pleased to be able to tell the house that funding for child and adolescent mental health services at Mount Barker has been increased, and has been sustained at these increased levels since September 2003. In the first instance the Department of Health provided 12 months funding in 2003 to help Mount Barker CAMHS deal with a backlog of cases. Funding for the additional Mount Barker school support position was originally requested in June 2003, and was filled in September 2003 for a period of 12 months until September 2004.

Towards the end of this initial funding period the new Southern Adelaide Health Service came into existence, on 1 July last year. In his first week as chief executive of this new service I asked Mr David Swan to look into child and adolescent mental health services in Mount Barker. He did this, and funding was secured for the mental health position to continue. Since that time, further funding has been secured from the Department of Health, the Southern Adelaide Health Service, and the Hills Mallee Southern Regional Health Service to continue this additional youth mental health position until 31 December this year. Mr Swan has reassured me that he will address this issue within his regional budget as he finalises his regional mental health plan. I am satisfied that Mr Swan will do what he says he will, and that this position will continue to be a priority. Despite suggestions to the contrary, there is not, and has not, been any cut in funding for youth mental health positions in Mount Barker.

I think it is worth reminding the house again that in addition to sustaining this youth mental health position, the government has also strengthened adult mental health services in Mount Barker with the appointment of two additional senior positions. The Rann Labor government has also provided funding to this region in the order of $65 000, as part of a Hills Mallee Southern region-wide youth suicide prevention strategy. This money is part of a joint initiative between the Department of Health and the Social Inclusion Board that is funded at over $600 000. I would also like to add that I have not received a ministerial briefing that says CAMHS staff would be cut in Mount Barker. I have not, as the deputy leader said yesterday in this house, misled parliament in relation to this matter. I think he may have been referring to a country health reform workshop discussion paper.

The Hon. K.O. Foley: He owes you an apology.

The Hon. L. STEVENS: Yes; he does owe me an apology. As a former minister, I should have thought that the deputy leader would know the difference between a discussion paper and a ministerial briefing. However, we all know that attention to detail has never been one of his strong points.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. The minister is clearly debating the issue. I might add that she is, in the process, misquoting me. I draw your attention to standing order 98.

The SPEAKER: I uphold the point of order. The minister was debating the issue.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Premier. Have any sections been deleted from the final report into the Ashbourne corruption allegations, prepared by Warren McCann, in the version tabled in parliament yesterday?

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. M.D. RANN (Premier): This is absolutely the most bizarre allegation I have heard. If the honourable member is seriously suggesting that in any way the government has censored the McCann report, that is an outrageous accusation and one that is totally wrong. There has been absolutely no censorship by me. What he must be doing is judging—

The Hon. P.F. Conlon: They remember the shredded Motorola documents.

The Hon. M.D. RANN: That's right. Different standards were applied in their government, and clearly this says much more about the questioner than it does about those being questioned.

Members interjecting:

The SPEAKER: Order! The house will come to order. The Attorney and the leader are out of order. I am not sure why people are so agitated today, but perhaps they should have a lettuce sandwich at lunchtime rather than beans.

ENVIRONMENT PROTECTION AND HERITAGE COUNCIL

Mr CAICA (Colton): My question is the Minister for Environment and Conservation. What were the outcomes for South Australia from the recent meeting of state and commonwealth environment ministers?

The Hon. J.D. HILL (Minister for Environment and Conservation): Last Friday, I met with my state, territory and commonwealth colleagues at the Environment Protection and Heritage Council in Perth. We secured a number of positive outcomes from this meeting, including a national agreement to end single-use plastic bags by the end of 2008, in addition to a number of other significant resolutions, particularly relating to the National Packaging Covenant. Ministers have agreed on a new covenant, which is an agreement between government and industry, to reduce packaging waste and increase recycling. This is a second agreement. It is a five-year agreement, and it establishes a national recycling target for packaging of 65 per cent—an increase from the 48 per cent on which the former minister may have signed off some years ago. This target must be reached by 2010. The covenant also commits signatories to allow no further increases in packaging waste going to landfill. The agreement is voluntary on those organisations that agree to it, but it is supported by strong regulation for those that do not.

The council agreed to a recommendation from South Australia to investigate comprehensive reporting of waste management for each state and measures to reduce waste at the point of production and sale of goods. The meeting also agreed on developing a thorough reporting system for greenhouse gas emissions. This is an important breakthrough. We aim to establish a world's best practice reporting system as the first step towards the development of a carbon trading system.

Other outcomes from the meeting include an undertaking to investigate options to reduce salts and other chemical fillers in washing detergents that make recycled water difficult to reuse. A draft national plan was released to reduce and eliminate dangerous dioxins in the environment. The start of a national study on the relationship between air quality and child health in Australia was also announced. Last week's council meeting delivered important results for our state's environment and demonstrated how South Australia is leading environmental policy across Australia.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Why did the Attorney-General initially invite the DPP (Stephen Pallaras) to meet at his office on 9 June and then refuse to meet him when he arrived 20 minutes later, and yesterday attack the DPP and Pauline Barnett for taking up the invitation to go to his office? In his media statement of 1 July, Mr Pallaras says that, after he advised the Attorney he wished to meet with him only in his capacity as Attorney-General, Mr Pallaras was invited by the Attorney to meet him in his office. He goes on to state that, when he arrived at the Attorney's office 20 minutes later, he was informed that the Attorney no longer wished to speak with him and it was suggested that Mr Pallaras speak to the Minister Assisting the Minister of Industry and Trade, the Hon. Carmel Zollo.

The Hon. M.J. ATKINSON (Attorney-General): The explanation was made yesterday, but I am going to make the explanation again so it is nice and clear to the opposition. After Mr Ashbourne was charged, a protocol was established whereby all matters connected with Mr Ashbourne's case, both the charges and his unfair dismissal claim, were dealt with by a minister other than me. I would have thought that the opposition would support that. In fact, I took it from interjections from the opposition yesterday that it thought that protocol was a good idea. I think it was a good idea.

The Hon. R.G. Kerin interjecting:

The SPEAKER: The leader is out of order.

The Hon. M.J. ATKINSON: It is true that Mr Pallaras rang me on my mobile phone—

Members interjecting:

The SPEAKER: The house will come to order.

The Hon. M.J. ATKINSON: Mr Pallaras rang me on my mobile phone when I was due to give evidence in the Ashbourne trial. I was a witness and he approached me on my mobile phone for a meeting, which seemed to me at the time, as it does now, to be a breach of the protocol. So, what I did was say to Mr Pallaras to come to the large conference room on the 11th floor of the building in which his agency and my office are housed. The 11th floor is shared by the minister's office, by Policy and Legislation and by the Prudential Management Group. I asked him to attend in the large conference room.

I then sought the advice of my Chief of Staff and sought to obtain the responsible minister to speak to Mr Pallaras because it was clear that the matter was about the Ashbourne case. I therefore tried to contact Mr Paul Holloway, the responsible minister, but he was in Japan. We finally contacted the minister representing Mr Holloway, who was therefore the minister authorised to deal with the office of the DPP on the Ashbourne case, and that was the Hon. Carmel Zollo. The Hon. Carmel Zollo met Mr Pallaras and Ms Barnett in the conference room, and Mr Pallaras and

Ms Barnett refused to disclose the matter to the appropriate minister.

HOTEL MANAGEMENT TRAINING

Ms BEDFORD (Florey): My question is to the Minister for Employment, Training and Further Education. What is the government doing to provide opportunities for ordinary South Australians to undertake training in hotel management at internationally recognised levels?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): The International College of Hotel Management (ICHM), which was established 12 years ago in Adelaide at the TAFE South Australian Regency campus, is now one of the Asia Pacific region's leading hotel management schools. I am advised that it is the only one outside Europe that offers the prestigious Swiss Hotel Association Diploma. It is probably fair to say that, with the ICHM, TAFE Regency itself and the le cordon bleu courses, this state is very well served with world-renowned institutions in the hotel management, hospitality and catering areas.

ICHM, which operates in collaboration with the South Australian government and the Swiss Hotel Association, attract students from almost 70 countries. Some 12 young South Australians will be offered a scholarship over the next three years, giving them a strong chance of landing a management job at the top end of the international hotel industry. The diploma is a full fee paying program, which costs $75 000 per student and, therefore, is normally out of reach for many South Australians.

In conjunction with the ICHM, the government is offering four full three year scholarships to start in 2006, with a further four scholarships available in each of the subsequent two years. The full scholarship covers tuition fees, books, uniforms, meals, accommodation, computer-in-room and internet access, industry placement supervision and counselling. The Swiss Hotel Association Diploma takes three years to complete, with students spending up to six months studying on campus and six months working in a hotel, resort or other hospitality venue. The students can then elect to take further study options leading to the ICHM bachelor degree or masters degree.

This is a wonderful opportunity for young South Australians, particularly those who have faced extra challenges in life because of financial hardship, disability, race or nationality. The South Australian government is contributing over $198 000 to make the scholarships possible, with the ICHM as a non-profit organisation ploughing its 'profits' back into the scholarships. Scholarships, including residential costs, are worth over $725 000 to the students.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): Given the Attorney-General yesterday said that he would trace the DPP's memo regarding a complaint about the Premier's legal adviser Nick Alexandrides through government, will he now report to the house exactly who in his office has seen this memo and who passed it onto the defence team and Nick Alexandrides?

The Hon. M.J. ATKINSON (Attorney-General): I can make one assertion without fear of contradiction: no-one in my office passed on the memo to Nick Alexandrides. The second thing I can tell the Leader of the Opposition is that if in my office an envelope is received, addressed to me 'personal and confidential', it has to be opened before we find out what is in it.

Members interjecting:

The SPEAKER: Order! The house will come to order. The member for West Torrens has the call.

MAGISTRATES COURT DIVERSION PROGRAM

Mr KOUTSANTONIS (West Torrens): Thank you, Mr Speaker. Will the Attorney-General inform the house how effective the Magistrates Court diversion program has been in reducing reoffending amongst people with a mental impairment?

The Hon. M.J. ATKINSON (Attorney-General): It is nice to rise again today to commend one of the good things that the previous Liberal government did in this state. The Office of Crime Statistics and Research undertook an evaluation of the Magistrates Court diversion program, whereby it compared reoffending of graduates before and after their involvement in the program, with initial results indicating that it is having success in reducing reoffending. I will now expand on those findings.

The Magistrates Court diversion program started in the Adelaide Magistrates Court in August 1999, during the reign of the Olsen Liberal government—of blessed memory—with the aim of ensuring that people with a mental impairment who came before the courts had access to appropriate interventions that assisted them in dealing with their offending behaviour.

The Office of Crime Statistics compared the nature and extent of offending 12 months before and 12 months after program involvement for those individuals who had successfully completed the program by 31 December 2001. I know that the Liberal opposition has of late been attacking the Office of Crime Statistics and accusing them of bodgying the crime statistics. That is an astonishing allegation—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen shakes her head. She cannot have heard the Hon. Angus Redford on Radio 5AA. I know that her radio dial is not often switched to 1395 Radio 5AA, but—

The Hon. DEAN BROWN: Mr Speaker, I rise on a point of order. We all know the fantasies of the Attorney-General and his talk-back radio, but I think he is debating the issue, and that is against standing orders.

The SPEAKER: Yes, he is. The Attorney is debating the issue; he should come back to the answer.

The Hon. M.J. ATKINSON: The study aimed to identify whether the program was achieving its aim of reducing offending amongst this group of clients. In brief, the Office of Crime Statistics' evaluation found that statistically there was a significant reduction in the number of participants who were apprehended for offending within one year of completing the program, with about two-thirds not reoffending in that time—two-thirds. This reduction in the frequency of recorded offending was applicable amongst those participants who were classified as serious offenders before entering the program. Of this group, 70 per cent did not offend in the 12 months after completion of the program. Of the small group who did offend after completing the program, there was some indication that the offences committed post program were lower than the number committed pre program.

It is important for the parliament to know what works in crime prevention and what does not. The Office of Crime Statistics' evaluation found that the likelihood of post-program offending varied according to the individual's type of mental impairment. For example, those with an intellectual disability as their primary diagnosis had a greater likelihood of offending post program than did those with a bipolar disorder. These findings point to the need for individualised intervention and treatment plans. For those interested in the full Office of Crime Statistics evaluation report entitled 'Magistrate's Court Diversion Program: an analysis of post program offending', I advise that it is available on the Office of Crime Statistics' web site at www.ocsar.sa.gov.au. I commend those members of the previous Liberal government and the public servants who had the farsightedness to embark on this program.

OWENS, Mr L.

Mr HANNA (Mitchell): My question is to the Minister for Energy. Will the minister assure us that Mr Lew Owens never discussed his future employment with ETSA directly or indirectly while he was Essential Services Commissioner?

The Hon. K.O. FOLEY (Treasurer): Lew Owens as the Essential Services Commissioner, reports to me as Treasurer under statute, as I recall.

The Hon. P.F. Conlon: It is a pretty unpleasant allegation.

The Hon. K.O. FOLEY: A very unpleasant allegation. I have had no conversation with Lew Owens about his appointment or attempt to secure a position with ETSA. In fact, I think it is a good appointment, quite frankly. I think Mr Owens—

The Hon. M.D. Rann: He won't be criticising the Regulator!

The Hon. K.O. FOLEY: No. I think that, regardless of our views on the role of the Regulator, Mr Lew Owens is an extremely accomplished business leader in this state and someone who, from memory, has been CEO of WorkCover as well as CEO of Funds SA, where he did very good work. My recollection, going back some time, is that he had a very senior position at Sagasco. Also, I think that I am right in saying that he was in years gone by a contender for previous senior management positions at ETSA. He is a very accomplished electricity person, a very accomplished senior manager, and, I think, someone who will serve ETSA extremely well.

I do not share the view of those who think that there is a conflict with the Regulator's position, and I do not think the Minister for Energy shares that view. ETSA is a regulated entity; and, as my colleague was saying to me a little while ago, it is probably a good thing that the CEO of ETSA has an impeccable understanding of the regulatory framework within which ETSA now has to operate. That can be only a good thing. Whilst, from time to time, governments of all persuasion have had their differences with Mr Owens (as one would expect as an Industry Regulator), I think his appointment is very good; and it is good to see a South Australian securing one of the most significant corporate positions in this state. I think it is good news.

Mr HANNA: As a supplementary question, given that lack of assurance, how then can the minister be satisfied that there is no conflict of interest if the former essential services commissioner was in private dialogue with ETSA, and that there is no conflict of interest when the former essential services commissioner takes the knowledge gained in that position to ETSA?

The Hon. P.F. CONLON (Minister for Energy): I will provide some information about the role and the reset. I note that the Democrats are up in arms about the appointment of Lew Owens to ETSA. Can I say that my officers contacted the current Regulator (Pat Walsh), who said that he does not believe there are any areas or information that would cause any concern in terms of this, and that is because it is a regulated monopoly. It is not participating in the market: essentially, it participates in the regulatory system.

I will point out a couple of things about why I am perfectly relaxed. I have also spoken to other people in the industry about it. I assumed that concerns would be raised, and I have not been able to get a concern from the industry. I will not name the person to whom I am referring, but I have spoken to an interstate regulator who has the same sort of views. As far as I am concerned, one should be very slow to prevent a person pursuing a career, gaining an income and feeding his family unless there is good reason. If members on the other side say that there is, I will say two things: I think that it is a very sad allegation that Lew Owens may have been conniving to get this job when he was regulator. I point out that while Lew was there on the reset—

Mr Hanna: It is your job to make sure that he was not.

The Hon. P.F. CONLON: Let me just point something out to the honourable member. When he was there doing the five-year reset for ETSA (which, basically, locks up its income for about five years), he brought down a draft decision under his chairmanship for an equity beater for the return of capital of .8—one of the lowest around. In fact, after he left there was an application for review by ETSA, and it went out to .9. So, he was looking after the company, which is, I guess, what underlies such a question—and then someone did a better job of it after he went.

The truth is that the process of setting regulatory returns for a regulated monopoly, such as a distribution company, is a transparent one where claims are made by ETSA for the size of the capital and return on capital. There is a very public discourse between the Regulator and the distribution company and, at the end of the day, what is found is benchmarkable not only by the information provided by ETSA but also against returns around Australia. They are regulated monopolies. You know, if they have capital, it is a pretty obvious thing.

I would be concerned, and I think that the industry would be concerned, if a regulator went to work for a particular retailer because they operate in the market. They have financial strategies, and regulators do have access to information about the way in which people operate their market strategies. All I can say is that nothing in the decision made by Lew Owens is challengeable.

I think that it is a reflection on a person who has been in public life for many years. He was, I think, the chief executive of the WorkCover Corporation; Kevin alluded to that. I think it is an absolutely unnecessary slur that somehow he was looking for a job while still being the regulator. From what I know of Lew Owens, I am absolutely certain that that would not have been the case. I am reassured by the advice of the current interstate regulator and people in the industry, so there cannot be any concerns. There is no confidential information that would be of any particular interest. As I said, that would be different, I suspect, in a retail environment.

One regulator has said that they think it is a very good appointment, because they think that some of these Hong Kong based companies need a better understanding of the regulatory system in Australia and that it will work better. At the end of the day, I am absolutely comfortable with this appointment. I think that a person having elected to choose to serve in public position should not face public opprobrium merely because they have moved on to something else.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): Can the Attorney advise the house whether or not he has ever had the memorandum from the DPP? Today, the Attorney told us that it had been opened by one of his staff. Yesterday, the Attorney stated, 'I have never been near the memo.' Earlier in question time yesterday, the Attorney stated:

> 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.

The Hon. M.J. ATKINSON (Attorney-General): It is quite clear that I refused to accept it.

Members interjecting:

The SPEAKER: Order! The house will come to order. Members are likely to be named on the spot if they carry on after the call has been made to come to order. The member for Napier.

MILLBROOK RESERVOIR

Mr O'BRIEN (Napier): Can the Minister for Administrative Services update the house on the status of the Millbrook reservoir?

The Hon. M.J. WRIGHT (Minister for Administrative Services): It is a very important question, and I thank the member for Napier for it. Members will recall that on 18 January this year a damp area was noticed on the downstream face of the Millbrook dam wall, with further damp areas discovered in subsequent days.

An honourable member interjecting:

The Hon. M.J. WRIGHT: They were indeed. I previously advised the house that all the damp areas were exposed and thoroughly investigated. I can update the house by advising that, through normal operation, the water level in the reservoir has been lowered to 6.5 metres below the full supply level. The water level will be kept at this lower level until the dam wall has been upgraded.

I can also update the house by advising that measured water levels and pressures within the embankment have stabilised with the lower water level in the dam. Consequently, the frequency of surveillance inspections has been reduced to once a day, and monitoring of water levels in the downstream shoulder of the embankment to weekly. Millbrook dam was the next dam scheduled for a safety upgrade. Consequently, concept designs for the upgrade work were well advanced. I can now advise the house that the upgrade will involve reinforcement of the dam embankment and modifications to the spillway.

The project had been scheduled for completion by July 2007. It is now estimated that it will be completed in September 2006, subject to appropriate approvals, including submission to the Public Works Committee. The estimated total cost of the Millbrook dam upgrade is presently $8.7 million, with proposed expenditure of $1.5 million in 2005-06. However, this may vary given the earlier completion date now envisaged. The final cost and time frame will become clear during the final design, approval and tender processes.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General. Who was telling—

Members interjecting:

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

The Hon. R.G. KERIN: Thank you, sir. I will try again. My question is to the Attorney-General. Attorney, who was telling the truth in relation to whether board positions were discussed between the Attorney-General and Randall Ashbourne? Was it the Attorney-General or his adviser, George Karzis? In evidence given in court, Mr Karzis stated that Mr Ashbourne had told both Mr Karzis and the Attorney-General that he had raised the prospect of a deal involving a board position for Ralph Clarke. Mr Karzis told the court that he was present in a meeting where Randall Ashbourne told the Attorney-General the following:

> Randall told us Ralph was willing to withdraw legal action but he wanted some boards and committees.

The SPEAKER: That question is borderline. Does the Attorney wish to answer?

The Hon. M.J. ATKINSON (Attorney-General): Yes, sir. I suggest the Leader of the Opposition read the entire passage.

OUR CHILDREN THE FUTURE EARLY CHILDHOOD CONFERENCE

Ms RANKINE (Wright): My question is to the Minister for Education and Children's Services. How successful was the Our Children The Future Early Childhood Conference, which was held recently in Adelaide?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Wright for her question. One would not be surprised that she has asked about this matter, because she has a deep understanding of this area of expertise and a great passion for improving early childhood experiences and development.

I recently had the pleasure of opening the fourth Our Children The Future Conference in Adelaide. It is the Southern Hemisphere's largest early childhood conference, with more than 1 500 early childhood educators gathered for three days at the Convention Centre. The state government is a major sponsor. The conference allows people with an interest in early childhood development education to come together to debate, network and learn from each other. It provides an unrivalled opportunity for people to challenge their thinking and extend their knowledge into new areas of development, as well as new approaches. There were 75 speakers, many of whom were from overseas, including Professor Peter Moss from the UK, Priscilla Clarke from Australia, Professor Ferre Laevers from Belgium, and Professor Philip Gammage, who works in both Australia and the UK. Overall, it allowed many people to extend their knowledge of the years between birth to eight years.

The information that was canvassed at the conference included such areas as literacy, behaviour management, support for indigenous children, strategies for children with

autism spectrum disorder and other special needs, as well as how to engage families and how to keep young children safe. Children from across the state were also involved in the conference—not in attending it but in preparing 40 special quilts, which were hung from the ceiling, as well as 1 500 hand-painted canvas bags, one of which was given to each participant in the conference.

It was good timing that I was also able to launch the report of the inquiry into Early Childhood Services. The inquiry, which began last year, was to look into child-care, preschool education and early childhood services in this state, and it is the most comprehensive study of this area of childhood development in the last 20 years. All the delegates at the conference received a copy of the inquiry report, and that allowed them to see not only the direction in which the state will be going in future years but also the issues that were important to the 2 000 people who were canvassed and surveyed as part of the inquiry.

The government recognises that the early years are integral to a child's future development and important in making sure that every chance is given to every child and that every child's development is optimal, because its success in the early years leads to future success and opportunities in terms of further engagement in education, school retention and further education and training.

It is particularly interesting that the conference was attended by key portfolios other than the education and children's services area, because this area of involvement with young people is certainly a multi-disciplinary cross-portfolio area of engagement. As the government works across portfolios, administrative staff and practitioners from the areas of Education and Children's Services, TAFE, the Department of Health, and Family and Community Services also connect to learn together and share experience, because we will improve service delivery and early intervention if we have a more holistic and comprehensive approach to children, whereby the children are at the centre of the service delivery, rather than being forced into the portfolio areas where our departments operate. Putting children central to education and children's services is certainly the way that this government will approach the issues of early childhood development in the future.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is again to the Attorney-General. Who was telling the truth about whether board positions for Ralph Clarke were discussed, Mr Ashbourne or the Attorney-General? The Attorney-General said yesterday:

> Mr Ashbourne did not canvass with me, and I did not canvass with him, the question of board or committee positions.

The McCann documents tabled in parliament yesterday show that in answer to the question on whether Mr Ashbourne had discussed future appointments for Ralph Clarke with the Attorney-General, Mr Ashbourne said:

> Yes, his (the Attorney-General's) view was that he would never give Ralph anything. Mick said, 'If it were up to me I wouldn't give him a thing.'

The Hon. M.J. ATKINSON (Attorney-General): I think the Leader of the Opposition, in his final sentence, puts it quite well and answers his own question. As it happens, Mr Ashbourne gave evidence under oath on this matter in the trial, and he made it very clear that he did not raise with me the question of board or committee appointments for Mr Clarke. I notice that the Leader of the Opposition didn't—

The Hon. R.G. Kerin interjecting:

The Hon. M.J. ATKINSON: Are you saying that's rubbish?

The Hon. R.G. Kerin: It was in the McCann report.

The Hon. M.J. ATKINSON: Have you had a look at the trial transcript?

Members interjecting:

The Hon. M.J. ATKINSON: Furthermore—

Members interjecting:

The SPEAKER: Order! The house will come to order. Attorney, do you wish to add to your answer?

The Hon. M.J. ATKINSON: Yes. In response to the same line of questioning—the previous question—the Leader of the Opposition did not accept my challenge to read out the entire passage from the transcript, but let us help him out, because I have it here. Page 347 states:

> Question: Did the Attorney-General say anything?
> Answer: I don't believe he said anything.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: Point of order, sir: the Attorney-General is quoting from a document and I ask that he table the document.

The Hon. M.J. ATKINSON: It is a public document.

The Hon. P.F. CONLON: On a point of order, sir: they took the same point of order yesterday and you ruled on it.

Members interjecting:

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

The Hon. R.G. KERIN: On a point of order, sir: if the government has nothing to hide, they will table it.

Members interjecting:

The SPEAKER: Order! The house will come to order. I am not sure what the document is. If it is the court transcript I do not believe that the Treasurer has to table it.

The Hon. M.J. Atkinson: Yes, it is the court transcript.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: On a point of order, Mr Speaker: I think the precedent in this house is that if a minister is quoting from any document—

Members interjecting:

The SPEAKER: It is not a point of order.

The Hon. DEAN BROWN: Clearly, the Attorney-General is quoting from a public document—

The SPEAKER: Order! The member will resume his seat.

The Hon. DEAN BROWN: —and that document should be tabled.

The SPEAKER: Order! It is not, as I understand it, a docket. The minister does not have to table anything that is in front of him. Attorney, do you wish to conclude your answer?

The Hon. M.J. ATKINSON: I suggest that the opposition do a bit of research. Go down to the court, get a copy of the transcript, and read it. After all, there were four Australian Democrats, two MLCs and two staffers sitting in the court during the trial—like so many Mesdames Defarge—watching the progress of the trial. The only thing that they were not doing was knitting. I suggest that the Leader of the Opposition have a look at the transcript:

> Question: Did the Attorney-General say anything?
> Answer: I don't believe he said anything.

How is that a dialogue or canvassing or a conversation?

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! I warn the Treasurer.

Mr HANNA: I rise on a point of order, Mr Speaker. I again ask for your ruling on whether the document being quoted from by the Attorney should be tabled. Although it might be said to be a public document, it is not readily accessible at over $10 a page.

Members interjecting:

The SPEAKER: Order!

Mr HANNA: The Attorney has a full copy. He is quoting selectively from it. His answers are critical to the questions and answers today and to an issue before the parliament. It would assist debate if it were tabled.

The SPEAKER: If the Attorney wishes to make available the relevant sections, or all of it, it is up to him. But it is not a docket. It is not the practice of the house to table documents which are readily available to the public, otherwise we would be tabling everything.

Mr HANNA: Sir, I dispute your ruling, and I move dissent with your ruling.

The SPEAKER: If the member wishes, he can move dissent with my ruling. However, the practice of the house is that material is not tabled when it is readily available to the public. Otherwise we would have a wheelbarrow full every day.

Mr HANNA (Mitchell): I move:

That the Speaker's ruling be disagreed to.

The SPEAKER: The honourable member must bring up his reasons in writing.

Mr HANNA: I will do so, sir.

The SPEAKER: Is the motion seconded?

The Hon. DEAN BROWN: Yes, sir.

Ms CHAPMAN (Bragg): My question is to the Premier.

The SPEAKER: The Deputy Premier will take the question.

Ms CHAPMAN: Is the Premier, or the Deputy Premier taking the question on his behalf, concerned that the Premier's legal adviser, Nick Alexandrides, rang the DPP's office in the middle of the corruption trial of the Premier's staffer, Randall Ashbourne, at which the Premier, Treasurer and Attorney were giving evidence? Has the Premier asked his staffer why he did this and what issues were raised?

The Hon. K.O. FOLEY (Deputy Premier): I am sure that the Premier will get an answer to this question. However, can I say that I had an experience with the person in question, Mr Tim Heffernan, who was the Crown Prosecutor, or assisting the prosecution. The day I went to court, or the day before (I cannot recall now), he gave me a particular piece of advice on what I could and could not say and on what I could allude to in court—and I questioned him on that advice—only to find the next day that the lead prosecutor's advice was in conflict with that given by Mr Tim Heffernan. My understanding is that similar misunderstandings were the nature of the conversation between Mr Alexandrides and Mr Heffernan. However, in order to have that clarified, I am sure that the Premier will give a detailed response.

Ms CHAPMAN: I note that question is taken on notice. I have a supplementary question. Has the Premier's legal adviser, Nick Alexandrides, attended the compulsory briefing session on standards of conduct expected by ministerial advisers, as arranged by the Premier in 2003 and referred to in his correspondence to Mr Randall Ashbourne in December 2002, that would occur on the advice of the Auditor-General?

The Hon. M.D. RANN (Premier): To the best of my recollection, Mr Alexandrides was not working for me at that stage. I would have thought that the honourable member would have known that. At the time I think he might have been working for the DPP as a senior prosecutor. As I say, it was the vibe of the prosecution—it was like a scene from *The Castle*.

Ms CHAPMAN: I have a further supplementary question. Has Mr Alexandrides attended one of these seminars since his appointment?

The Hon. M.D. RANN: Mr Alexandrides is not only a very senior lawyer—

Members interjecting:

The Hon. M.D. RANN: No; I will answer—and also, of course, a very senior prosecutor—I think a different calibre of lawyer from the member for Bragg—

The Hon. K.O. Foley: He prosecuted bad guys.

The Hon. M.D. RANN: Yes, that's right, he used to prosecute bad guys. It is something that we kind of like to see in this state. But I will get a report for the honourable member.

PUBLIC SERVANTS, RALLY ATTENDANCE

The Hon. I.F. EVANS (Davenport): Given that the Minister for Industrial Relations told the house yesterday that public servants who attended the rally against the proposed federal industrial relations law changes did so 'in their own time', how does the minister explain the two MFS appliances attending the protest outside Senator Amanda Vanstone's office, and can the minister assure the house that the drivers of the two MFS appliances who attended the protest rally did so in their own time, as the minister told the house yesterday?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Members of the opposition are very embarrassed by the Howard agenda, because they know full well that the Howard agenda is to take away workers' rights. The member for Davenport is on the public record, I understand, for also opposing the Howard agenda, and we would very much welcome that. As I said yesterday, I attended one of those rallies and was proud to do so. I was disappointed that the shadow minister was not there, but I was proud to do so. I saw fire engines drive past the rally. As far as I saw, they did not stop. I saw them go straight past the rally. To the best of my knowledge, they did not stop at the rally.

TEACHERS' STRIKE

The SPEAKER: I call the member for Hartley.

Mr Koutsantonis: What do you want today, a new dome for Parliament House?

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

Mr SCALZI (Hartley): I think you got yourself in trouble yesterday. My question is to the Minister for Industrial Relations. How much did the government spend to purchase the full-page advertisement on page 12 of today's *Advertiser* in relation to the teachers' strike and why is the

government spending money on paid advertising in relation to this matter?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): It is a very simple answer. The reason that we are paying for paid advertising is that we want the public to know what we have offered the teachers, which is a $650 million package. This offer provides more pay for teachers and more teachers in the classroom. This is a $650 million package that will provide an increase for experienced teachers of $166 per week: an additional 126 teachers to make sure that we have smaller class sizes. The reason why we put in a paid advertisement is because we think the taxpayers should know.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

Mr WILLIAMS (MacKillop): My question is for the Premier. Was the Premier aware that Randall Ashbourne was negotiating with Labor MLCs and the Attorney-General to avoid factional fights? Given that the Premier said under oath that there was never any call for Randall Ashbourne to interfere in Labor Party affairs, can he say that he was totally unaware of what Mr Ashbourne said was his job, which was:

Part of my job is to deal with problems and make them disappear, and to deal with issues arising from factional conflict.

The Hon. P.F. CONLON (Minister for Transport): I might be able to assist here. I would not ordinarily talk about the wonderful consensus workings of the Labor Party, the very happy unity we enjoy, but I will share it with members on this occasion. I have been to almost every serious factional discussion in this party in the last five years. I give this house my absolute assurance that Randall Ashbourne was not at a single one of them. Never there: never involved. I do not know what he said, but I can tell you, it was not with us. I do not think I have missed a single important factional discussion in this party in the last five years. I do not know which one Randall was going to, but it was not one I was going to.

SPEAKER'S RULING

Mr HANNA: I rise a point of order, sir. I have moved a procedural motion. I provided it to you and it has been seconded by another member. Will it be dealt with now?

The SPEAKER: It will be. The member for Mitchell has moved dissent from the ruling of the chair that the document—I assume he means the court transcript—quoted by the Attorney-General need not be tabled. It has been moved by the member for Mitchell and seconded by the deputy leader. The procedure is that there is a 10 minute speaking time limit, one member from either side. The Speaker can respond before the matter is put, and it is put at once. The member for Mitchell.

Mr HANNA (Mitchell): Thank you, sir. The principle behind the rule that documents, which have been quoted by a minister, ought to be laid on the table is to allow all members to participate equally in the debate and the questioning procedure before the house. The Attorney-General has quoted selectively from a document. We have it from the Attorney-General that it is court transcript. Assuming that it is, the fact is that other members of this house do not have the same access to that document that the Attorney-General has. The Attorney-General has simply requested it through his staff—

Mr Snelling interjecting:

The SPEAKER: Order, member for Playford!

Mr HANNA: The Attorney-General has had it supplied to him. If any other member of the house wishes to obtain it, it would have to be obtained at the usual cost of about $5 a page. It is therefore—

The Hon. K.O. Foley interjecting:

Mr HANNA: Sir, I cannot hear the Treasurer's interjections: there are so many others.

The SPEAKER: Order! It is hard to hear the member for Mitchell.

Ms Rankine interjecting:

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

Mr HANNA: The fact remains that, with the cost of court transcript, it is not readily accessible to other members. Although it is a public document, the practice in relation to the tabling of documents has been in relation to dispatches, dockets and state papers of various kinds. Although we may not have dealt with the question of a court transcript before, I do not think anyone could argue that it is not a state paper of some kind in that it is produced by the courts as a record of proceedings. It is not some private document, such as a book or company report. If it is to be the subject of questioning and debate—as it is—and selectively quoted, then all members, for the purpose of full debate and a full and open inquiry into these matters, ought to have equal access to the document.

If the Attorney-General chooses to answer a question and contravenes a proposition put by the Leader of the Opposition by quoting from that document, in order for us to be able to test the veracity of the Attorney-General's answer we need to look at the full context in which the quotation is made. So, it is for the purpose of furthering the business of the house. That is why it would be proper for this document to be tabled. We have the Attorney-General's word for it—that it is court transcript—and we do not have any reason not to believe that. But, whatever the document is, it ought to be tabled.

In comparison, documents from the European community proceedings are regularly cited in the Westminster parliament. No objection is raised if it is tabled. This is the situation where, for the sake of the inquiry and debate we are having in this chamber, all members need equal access to the document. At present, the Attorney-General—and maybe one or two others—have access to it. It is not readily available to other members, despite its being available from the court under certain conditions. In order to facilitate the inquiry, it ought to be tabled in the house.

The Hon. P.F. CONLON (Minister for Transport): Sir, I certainly rise to uphold your ruling, one consistent with the operation of this chamber for many years—

Members interjecting:

The Hon. P.F. CONLON: They all start groaning already. Fundamentally this argument is about the fact that we have an opposition which, given that it has not been able to lay a glove in any other area, has been grubbing around in this area for ages. It is entitled to do that: it is the opposition. It cannot make tracks anywhere else, so it will grub about on this issue. However, I have to tell members opposite that, when you are the opposition and you decide that this will be

the way in which you promote yourself, you do a little bit of work and research—

Mr BRINDAL: Mr Speaker, I rise on a point of order. The matter before the chair is a matter of dissent from the ruling of the chair. It does not have anything to do with the opposition—relevance.

The SPEAKER: I do not uphold the point of order.

The Hon. P.F. CONLON: The relevance is that any decent members of the opposition who take the pay that they take would be prepared for a debate on something that they consider this important. One of the things they would do if they were not lazy and frankly not very bright is have copies of the transcript. I can tell members that, if I was in opposition, I would. I have to tell members opposite that I actually knew how to promote an issue when we were in opposition. Because they are quite awful, I am prepared to give them some remedial lessons on what they are as an opposition. However, the government is not prepared to do their job for them in the house. It has never been the case that publicly available documents are tabled if they are quoted. Let me give members some examples.

When I try to explain something to one of those on the other side—they do not listen but I do try to explain and try to educate them—I might occasionally have to consult a dictionary to quote a definition. Just because I have quoted from a dictionary, I am not going to supply them all with a copy of it. I expect them to get their own dictionary. If I quote a newspaper article in this place, I do not expect to have to buy them all a newspaper. I expect them to get their own newspaper. If I quote a magazine, I expect them to buy that magazine. If I quote my mother, I do not expect to exhume her and bring her into this place for their edification. What a load of absolute nonsense! The simple truth is this—

Mr SCALZI: Can you stand still while you are talking to us?

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

The Hon. P.F. CONLON: Sorry, Joe, stand up; I cannot see you. The member for Hartley would like me to stand still. We would like to be able to see him. He has made a lot of progress forward. It has been good to see him make some progress forward. You never know, in a few decades' time he might be the leader of the opposition. Who is to know—but I think Grace Portolesi has something to say about that. The truth is that the requirement to table documents applies to government dockets, and for very good reason. It has been considered to be unfair for a government to be able to use government dockets selectively when no-one else can have access to them. That is pretty sensible—

The Hon. D.C. Kotz interjecting:

The Hon. P.F. CONLON: 'Pretty sensible', I said. The member for Newland is a long way back; I can barely hear her these days.

Mr Venning interjecting:

The Hon. P.F. CONLON: They want to talk about ministers in court—ministers in court as witnesses for the prosecution. I remember once upon a time when the Deputy Leader of the Opposition was in court giving evidence, and I have to say that the judge did not think much of his evidence. If members opposite want to go back over that and get into that area, I am happy to do so. Where the evidence of Mr Brown and Dr Blaikie conflicted, I preferred the evidence of Dr Blaikie. Let us not fly home and talk about the ministers being in court—

The Hon. I.F. Evans interjecting:

The Hon. P.F. CONLON: Here is the thing they have not got: the Attorney-General was a witness for the prosecution and came up to proof.

Mr Hamilton-Smith: This is about corruption.

The Hon. P.F. CONLON: It is not about corruption: it is about a lazy opposition that is not prepared to do its own work.

Members interjecting:

The Hon. P.F. CONLON: We will have a debate this afternoon about different standards because I know about the standards of the previous government and this opposition, as I was involved when their ministers went down like nine pins. You had to sack Graham Ingerson about once or twice a year, the poor fellow. I was involved in the Motorola inquiry, which brought down John Olsen. I can tell members that we worked assiduously at it. We did our research. We got the documents. We did the work. Then we got more documents because some of them went missing.

An honourable member: Who gave you most of the documents?

The Hon. P.F. CONLON: Who gave us the documents—

The SPEAKER: Order! The deputy leader has a point of order.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. We have heard the drivel from the minister. Clearly, it is nothing relating to the actual motion before the house, which is dissent from your ruling—

The SPEAKER: Yes. I uphold the point of order. The minister is straying from the topic.

The Hon. DEAN BROWN: I ask you, sir, to bring the minister back to the debate.

The SPEAKER: The minister needs to focus on the motion.

The Hon. P.F. CONLON: Later today I will read from the green sheet, the notice of government business. I will not be required to table it. The reason why I will not be required to table it is that every member has got one or can get one. That is the fundamental difference. I will leave members with that. The Leader of the Opposition talks about drivel. I guess that is pretty much what the judge thought of his evidence when he preferred Dr Blaikie over Mr Brown. Let us not talk about drivel, Dean. Let us not talk about documents, because you did not need to table documents, did you, mate?

The SPEAKER: Order!

The Hon. DEAN BROWN: Mr Speaker, you have the power to pull the minister up when he transgresses, and I ask that you do so.

The SPEAKER: The minister needs to conclude his remarks.

The Hon. P.F. CONLON: Thank you, sir, but I do point out that if the Deputy Leader of the Opposition wants to get up and make insulting remarks under the cloak of a point of order I will respond to them. What I say is that it is an entirely fair rule that documents, to which the opposition cannot have access (in the interests of the operation of responsible government), should be made available if they are quoted selectively. I think that is entirely appropriate, and that is what we have done. It is not entirely appropriate for me to hand over whatever magazine or book I might happen to be reading while I am bored by the performance of the opposition. I urge the house to uphold the Speaker's very sensible ruling.

The SPEAKER: Is this a point of order, member for Unley?

Mr BRINDAL: No; I want to speak.

The SPEAKER: Only two speakers are allowed.

Mr BRINDAL: Well, isn't that a pity, sir!

Members interjecting:

The SPEAKER: Order! Standing order 135 states that the Speaker may make a statement in defence of the ruling, which I do. The issue relates to the fact that a document that can be required to be tabled is one that is not normally available to the house, and that usually means a departmental docket. In this case, we are talking about the transcript of a court which, as far as I know, was open to the public. Any member of parliament can get a copy of the transcript, if they wish. If we had a system where everything that is readily available in the community was tabled, there would not be room in this place to store it.

It is a commonsense rule. It has been the practice of this house for ever and a day that something such as a court transcript is not ordered to be tabled. It is not the practice in any other parliament that I am aware of that someone—a minister—is ordered to table something that is readily available. I ask members to consider that in their deliberation on this matter. I now put the question which was moved by the member for Mitchell and which was seconded by the deputy leader, where they moved dissent from my ruling that the document quoted by the Attorney-General (which was the court transcript) need not be tabled. Those in favour of the dissent from my ruling say aye, against no. I believe the noes have it.

Mr HANNA: Divide!

The SPEAKER: A division is required. Ring the bells.

The house divided on the motion:

AYES (20)

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

NOES (22)

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

PAIR(S)

Hall, J. L.	McEwen, R. J.
Brokenshire, R. L.	Maywald, K. A.

Majority of 2 for the noes.

Motion thus negatived.

DIRECTOR OF PUBLIC PROSECUTIONS

The Hon. M.J. ATKINSON (Attorney-General): I seek leave to make a personal explanation.

Leave granted.

The Hon. M.J. ATKINSON: In question time today I said that no-one in my office had provided the memo of 9 June from the DPP to Nick Alexandrides. Members will recall that I have previously advised that I have not seen the memorandum. I am not aware of the contents of the memorandum, other than what has been said publicly. I have had nothing to do with any response to the matters raised. The memorandum was referred to minister Zollo, who was representing minister Holloway. I have now been advised, at the end of question time, that minister Zollo instructed that advice be sought on the matter. As a result, the memorandum was referred to Nick Alexandrides, in the interests of natural justice.

I have now been advised that my Chief of Staff faxed the memorandum to Nick Alexandrides at about 5.50 p.m. on 9 June 2005. Mr Alexandrides has advised me that he has not divulged the memorandum or its contents to any person outside the Premier's office.

GRIEVANCE DEBATE

TEACHERS' STRIKE

Ms CHAPMAN (Bragg): Today, some 13 000 teachers went on strike, having given notice that they would do so. As a consequence, many schools have had to stay open with only a skeleton staff during the course of the morning and some have had to close altogether, to the detriment of children attending South Australian public schools. That is of great concern in relation to the education of children in public schools and, in particular, the status and future promotion of public education in this state. We have heard many times that we are losing some 2 000 children from the public education system, most of whom are migrating to low fee South Australian independent schools. Yet, here is another crushing blow to public education in this state.

Last Thursday, the Chief Executive of the Department of Education and Children's Services issued a directive to all preschool directors, principals and work site managers—that is, the leadership group of the South Australian public education system. The memo states as follows:

> Re AEU industrial action on Tuesday 5 July 2005
>
> Preschool Directors, Principals and Worksite Managers are advised that any unauthorised time taken for the purpose of participating in the stop work action within an employee's normal working hours should be treated as an absence without leave. This will result in a deduction from salary being made in accordance with the provisions of the Public Sector Management Act, Determination No. 25.

It goes on to say:

> It is inappropriate for employees to be granted use of time bank/flexitime/TOIL provisions which are different from that normally taken in accordance with the needs of the worksite to participate in the stop work action. In practice, this will mean the suspension of such provisions for employees who participate, and managers should not provide a lunch period which is different from that usually taken by the employee in accordance with the needs of the worksite.

That is a very clear memorandum: 'You shall not strike against the Rann government in this state, unless you are prepared to have your pay docked.' Contrast that with the material that is being published in relation to the rallies and strikes against federal government ministers—in particular, outside their offices—in response to the Howard government's proposed industrial reform.

In relation to that issue, there is a different response. We have already heard in this house assurances that have been given to protect the workers if they want to take time off and head on down to Howard government ministerial offices. This demonstrates the hypocritical approach of this government in that it is saying, 'We'll pay you to go down and protest against John Howard, but we will dock your pay if you have the audacity to strike against an instruction and a proposal put by the Rann government.' That is the hypocrisy of the Australian Labor Party in dealing with this issue.

The most concerning aspect about this strike today is that it is quite clear now from both parties that there has been no resolution and that further strike action is proposed. We do not know when; we do not know how many times; but we do know that that will clearly impact on the education of our children. How many times have we heard the Minister for Education come into this chamber and say to us, 'Unless children are at school they cannot learn.'? I agree with her, but it is an outrageous situation then to condone a strike arrangement in this state to enable a situation to arise where children are not able to learn and be at school. Again, that is the total hypocrisy of this government.

So, we do not know when there will be more strikes, and we do not know how many more days off will occur. This week we are already at the end of the second term—a critical time for higher education students who have mid-year exams and assignments to complete—and we still have had no resolution. Why is it that we have not had any resolution? Let me say this: this enterprise bargain with teachers expired in March this year, and this government did not sit down and begin to negotiate this matter until after the expiry of the EB, and that is totally unsatisfactory for the children of South Australia.

Time expired.

TREE REMOVAL, CITY OF WEST TORRENS

Mr KOUTSANTONIS (West Torrens): Those in glass houses should not throw stones. If you want to talk about protesting on taxpayer funded wages, I would look to the Hon. Michelle Lensink, a member of another place, who was employed by a federal senator while she was protesting—on taxpayer time—against the Hon. Carmel Lawrence in the 1996 election campaign.

Mr Scalzi: Just be careful.

Mr KOUTSANTONIS: I am very careful. I wonder if Michelle Lensink would be honest enough to admit that she protested on government time.

The Development Act 1993 provides that any activity that affects a significant tree is classed as development. An application to carry out tree-damaging activity requires applicants to fill out a development application form, complete a council significant tree proposal form, provide plans locating the tree to be affected on the site, detail all other buildings and structures on land affected by the tree, and provide the relevant report on the health status of the tree.

I have had numerous complaints from constituents regarding the process involved in attempting to have significant trees removed. Just last week I spoke with a man regarding an ongoing battle that he has had with the City of West Torrens development team regarding a lemon scented gum tree—which is not native to South Australia; it is native to Queensland—located on the boundary of his neighbouring property. The subject tree performs poorly after maturity on the Adelaide Plains, and would definitely prejudice the safety of this man's young family. Following lodgment of the man's development application, the council's horticultural officer visited the subject tree and established that the tree was believed to be in good condition and not diseased. The council's horticultural officer then suggested that an arborist be employed to provide an independent report on the subject tree, to detail the condition of the tree, and to provide any management options and recommendations for removal or retention of the tree.

The arborist report recommended removal of the subject tree as it represented an unacceptable risk to public or private safety. Following receipt of the report, West Torrens council was of the opinion that the arborist was biased—they actually called him biased—towards the removal. I am stunned and amazed that West Torrens council could hold this position against a qualified arborist. Numerous meetings between this man and council were planned but which council failed to attend. They did not even bother to show up. As one can imagine, relations were becoming extremely strained between this ratepayer and the City of West Torrens.

After months of calling and a number of letters, council finally arranged to seek the advice of another arborist. A council-appointed arborist recommended removal of the subject tree, crushing any opinion held by council staff who judged that the initial arborist was biased towards removal. They got it wrong. I am concerned that many have faced similar situations and that many more will face this battle in the future.

Mr Deputy Speaker, if you apply to have a significant tree removed—one that is not even native to South Australia but native to Australia—and the development assessment panel of a council rejects it, you have to fund your own appeal—and it could cost up to $6 000 to go to a court—and if you lose costs are awarded against you: and councils fight this.

I believe that environmental zealots have taken over council departments and are acting not in the best interests of the ratepayers of these cities but in the interests of the trees. Councils have too look at themselves on this issue. This gentleman, who is not a constituent of mine, is frustrated and came to me. I think that the parliament has to amend this act because little empire builders in councils are becoming zealots with this legislation—and that was not the intent of the legislation.

When the Hon. Diana Laidlaw of the former Liberal government introduced the bill, it was not the intention that every significant tree would be kept and saved; that was not the intention at all. But what we are seeing now is these little zealots, led by the City of West Torrens, keeping these trees in place without taking any responsibility for what might happen—structural damage or a branch falling and killing a child. No responsibility is being taken.

SPRINGWOOD ESTATE

Mr HAMILTON-SMITH (Waite): I want to talk about the Springwood Estate and the hills face zone; but I also want to tell a funny story about things that are going on in the Minister for Infrastructure's office. As the Minister for Infrastructure mentioned yesterday, he has hired Mr Matt Clemow from the *Sunday Mail*, and he said that he hired him a couple of months ago. By way of background, Mr Clemow wrote a very good article in the *Sunday Mail* on 21 November when I called on the state government to look at purchasing that small part of the Garrett estate at Springwood Park—the westerly portion which comprises the hills face—in an effort

to bring together Brownhill Creek reserve with the Waite and university land, thus creating a better park. Of course, Mr Clemow was then working for the *Sunday Mail*.

As the minister pointed out, I did ring him last Friday at the *Sunday Mail*, and guess what happened? The member for West Torrens might like to listen to this. I rang the *Sunday Mail* last Friday and they said, 'Yes, Mr Clemow does work here, we'll put you straight through to his extension,' and guess what I got—Mr Clemow's voice mail. It said, 'Hello, Matt Clemow here of the *Sunday Mail*. I'm not available at the moment but if you would like to leave a message please do so and I'll ring you back.' So I left a message and said, 'Look, about that story you wrote. I've got some more information for you; give me a ring.' I think I might have even then rung his mobile and said, 'I've just left a message on your voice mail at the *Sunday Mail* to talk to you about this; give me a call.'

Then yesterday the minister knocked me over with a feather when he said that 2½ months ago he had hired Mr Clemow. I thought that I had better go and check, so I went straight back up to my office after Question Time and rang the *Sunday Mail* and said, 'Can I speak to your journalist, Mr Matt Clemow?', and they said, 'Yes, of course you can, sir; we'll put you straight through.' And guess what I got—Mr Clemow's voice mail, and it said, 'Hello, this is Matt Clemow of the *Sunday Mail*. I am not available at the moment but if you would like to leave a message I'd be happy to return your call.'

So after my assistant and I finished laughing ourselves silly, we hung up and started to spread the word. This morning I came into work and we dialled the *Sunday Mail* and said, 'We would like to speak to Mr Matt Clemow,' and we got put through, but somebody else answered the phone. It seems that, mysteriously, between yesterday afternoon and this morning Mr Clemow has woken up to the fact that perhaps he had better contact his former employer and tell them that he is no longer working there. I do not know whether he is moonlighting with the *Sunday Mail* and doing something with the Minister for Infrastructure, or whether he is still carrying his calls through as a journalist, but it is a most amusing thing.

In fact, it led me to consider whether or not Mr Clemow appears on the minister's ministerial staffing list, so I checked that on the parliamentary intranet: no sign of Mr Clemow. Then I thought, 'Let's see if he's got an email address on the parliamentary intranet. Let's see if he exists on the intranet service.' So we looked him up: no record of Mr Clemow. So, he has no identity apparently on the email system; he does not appear on the ministerial list; and up until late yesterday he is still answering at the *Sunday Mail*. I thought all that was very mysterious. I thought that I had better say to the Minister for Infrastructure, before Mr Clemow leaves his office, that he had better make sure that Mr Clemow cancels his email service in case his next employer finishes up getting messages from the minister's office.

We then looked at the Minister for Infrastructure's office and noticed that 37 staff have left his employment since he became a minister. I have a stack of names here—Duggan, Farquar, Parfillo, Riccardi: there is a mountain of people. I think the minister gets the prize for the largest number of staff turnovers in his department. I do not know how long Mr Clemow will be there; we will see.

Getting back to the point of Springwood Park, I offer bipartisan support. The Liberal Party would be happy to support the government should it choose to purchase that western portion of land only. No-one needs the mansion, and no-one needs the whole property. If you could join Brownhill Creek with the Waite and the Carrick Hill land, it would be for the benefit of all South Australians and an investment in our future. We offer bipartisan support, and it would be a good thing to do.

I understand that the government has had some discussions about this since I called for it last November. It is something we can do together in the interests of all South Australians, and I urge the government to further consider it. The land is in several titles. It can be done, it should be done, and we offer our bipartisan support.

WHYALLA ROTARY CLUB

Ms BREUER (Giles): On Saturday night 2 July I was delighted to attend the 50th anniversary celebration of the Rotary Club of Whyalla, District 9500, where we celebrated 50 years of outstanding service to the community of Whyalla. I was very pleased and proud to be part of that celebration and also to give my thoughts on the past 50 years in Whyalla and the role of Rotary in our history. Back in 1955, Whyalla was considered a company town, as most facilities were put in place by the Broken Hill Proprietary company. Most people were employed by the Broken Hill Proprietary company, but those who ran their own business or were employed in outside interests became interested in taking a more active part in the town's administration.

BHP Limited certainly encouraged the moves of the community to increase their own endeavours and to become less reliant on the company's support for everything that happened in our community. At that time the town was run by the Town Commission, which was pre-council, and the majority of people on the Town Commission were BHP executives. This was a catalyst in forming the Rotary Club of Whyalla, which was guided through by the Chairman of the Town Commission, Mr Charles Ryan, who then became the inaugural president.

The company was chartered on 30 June 1955, having been sponsored by the Rotary Club of Port Lincoln, and it increased the number of clubs in South Australia to 10, all of which are still active in South Australia. The family tree shows that Rotary was formed in Adelaide in 1923, Port Lincoln in 1949 and Whyalla in 1955, and from Whyalla's Rotary Club was born Port Augusta in 1958 and Whyalla Norrie in 1974. There are also a number of associated clubs that were sponsored by the Rotary Club in Whyalla: Inner Wheel in 1956; Rotaract in 1999-2000; and Probus 2003 in Cleve.

Rotary has been behind many projects in Whyalla. Many charities have benefited, and many young people, through its youth awards, exchange programs and apprentice prizes, have gone on to bigger and better things. When the club was formed, the first meeting was held in the Buff Hall, Dick Street and was attended by 350 people. Can members imagine that sort of turn-out to form a club nowadays? Permission was given to construct a wishing well in Whyalla, and I well remember that wishing well and spent many a penny in it. Rotary participated over the years in doing all sorts of things like discussing the need for a civic centre and becoming active in promoting that in Whyalla. It organised the first Carols by Candlelight in Whyalla and sponsored the YMCA back in 1957-58, which opened at the old aerodrome.

Back in 1958 it distributed a book about juvenile delinquency called *The Gap*, which I can remember reading at the

time. I remember that book, although not too many would, and the impact it had on our society. In 1965-66 the Apprentices Honour Roll was made for the students at Whyalla High, and the career evening in that year attracted 3 500 people, which is pretty impressive. Rotary in Whyalla in back in 1968-69 began the initial planning for the Senior Citizens Recreation Centre, which was completed in 1971-72 and handed over. Rotary put a lot of effort and money into that centre, which is still going.

In 1969-70 it collected money for shoes for lepers, so it had a wide range of activities. It supplied the Whyalla Show with a rest room and in 1974-75 investigated the need for a fishing jetty and launched a public appeal in Whyalla. That fishing jetty was completed and opened by the then Mayor, Aileen Ekblom, on 19 June 1975. That was an amazing achievement. That jetty is still there. It has served many children, parents and grandparents over the years. So, the Rotary Club has been involved in a huge range of projects over the years, and those were just some of the highlights.

I want to pay tribute to some of the people who were there on the night, such as two former mayors, Murray Norton, an original charter member and district governor, and Keith Wilson, a president back in 1989-90. Attending was a live pageant of famous Whyalla names. Mr Rowley Fenwick was presented with the Paul Harris Award, a very prestigious award in Rotary for particularly valuable service. His was for his fundraising efforts for multiple sclerosis. My congratulations to outgoing president Paul Mazourek, and I know that new president Rob Walton will do an excellent job. My congratulations to all. Thank you, Rotary, for 50 years' service in Whyalla.

SA WATER, BOOLEROO CENTRE

The Hon. G.M. GUNN (Stuart): I wish to bring to the attention of the house the difficulties that two companies in my constituency, located at Booleroo Centre, are having in dealing with SA Water, an organisation that appears to me from time to time, unfortunately, to set out to be as difficult as it possibly can and to want to translate that to any person who wants to expand or change their operations, when it ought to be there to assist and cooperate to ensure that these people can continue to provide a service, to employ people and to get on with their business activities. I quote from a letter I received from Booleroo Agencies on 15 June as follows:

I refer to our Booleroo Centre dealership premises located on section 1, FP3523, Hundred of Booleroo and advise that we have negotiated. . . to sell the land and buildings located in the northern half of that section. . . Their intention is to expand the workshop area and provide additional protection for their employees who have, in the past, been required to work out in the open in all weather conditions. They also require the security of having ownership of their premises so that they are not subject to future changes in our dealership ownership or leasing terms and conditions. . . Our business premises are located on the northern outskirts of the township of Booleroo Centre and occupy land which was previously utilised for broadacre farming purposes.

Apparently, SA Water or some other government utility have zoned our land as industrial and, as such, it is SA Water policy to insist that a water main services each new subdivided allotment. I find this ruling to be absolutely ludicrous and placing an unnecessary financial burden on the parties who are attempting to carry on business in the volatile agricultural industry. We cannot understand why there is any need to change our existing cooperative arrangement with Agrepair Booleroo when, simplistically speaking, all that should be required to effect the subdivision is for a line to be drawn through the middle of our section and for new certificates of title to be issued. It would be much presented if you could place this matter before the appropriate minister and seek exemption on our behalf from the requirements of SA Water policy.

I point out that originally it wanted to charge them $40 000 and was most gracious and magnanimous to bring it back to $25 500. Why they cannot share a meter is beyond me and anyone else. At the end of the day—even though it may be strange to the Sir Humphreys in the department—people running small businesses do not have an unlimited cheque book. They want to put in place a sensible arrangement so that the repair section on this site can be set aside—and so that these people can give a service to the community and assemble and repair agricultural equipment, such as air seeders, tractors and headers (commonly known as combine harvesters in America). That is all they want to do. They want to extend the shed. They do not have the $25 000 or $40 000. It is not necessary. I suggest that the chief of SA Water quietly go to Booleroo Centre, sit down with the parties involved and come to a sensible conclusion.

I forwarded all this correspondence to the minister. No doubt SA Water will be providing one of their responses. I say to the minister: for goodness sake, have a chat to them. He should give them the same sort of instruction that Sir Thomas Playford used to give bureaucrats: not why we cannot do something, but, rather, we are going to do it so tell me how we will do it. That is the sort of policy we want. It is not the role of these people—or any bureaucracy—to make life for citizens as difficult as they can, or put in place bureaucratic controls, requirements and red tape nonsense. Their role is to make life easier for people and to help them—to get on with the world and do things, not get in their way.

Booleroo Centre is a small rural community. It has good hardworking people. All they want to do is employ people, give them a job, and provide a service to a wide part of the state. I thought this government was based on creating opportunities. I say to the minister: for goodness sake, get involved, bang a couple of heads together to fix the problem. Let us stop this nonsense. It has gone on for too long. I have had to raise the matter in the house today to try to get it resolved.

Time expired.

BREAST CANCER

Ms THOMPSON (Reynell): This morning I was able to attend the launch in South Australia of the My Journey Kit by the Breast Cancer Network of Australia. Many of us would be familiar with some of the work of the Breast Cancer Network of Australia, as it regularly establishes a field of women to represent the women who are diagnosed with breast cancer in Australia each year. Some 10 000 women, and a couple of hundred men, are diagnosed each year, and about 2 500 women die each year as a result of breast cancer.

The Breast Cancer Network of Australia has been vigorous in its quest to ensure that no woman takes the journey of breast cancer alone. It brings the focus on breast cancer, such as through the field of women recently on the MCG, when 10 000 women in bright pink ponchos took to the field before the commencement of a football match.

The information kit that was launched today aims to make the journey and experience of breast cancer less troublesome, less traumatic and a less bamboozling one for women. It includes a My Journey satchel, which is a place to store copies of test results, the My Journey information guide and any other documents a person wants to save along the way. The information guide offers information, resources and tips

from women. The personal record to keep in the handbag offers a place to record past medical history and contact details; treatments received and how they went; dates of consultations and the main points discussed; dates of tests and results; and questions to ask the health care team that arise between appointments. There is also a calendar so that someone can see at a glance what appointments they have, and there is a record of medical and treatment expenses.

The kit has been tested and supported by a range of professionals working in the breast cancer area. Some of the reports from those professionals are quite glowing. For instance, a psychologist said:

> The kit has just arrived on my desk and I have looked through the wealth of material it contains. I especially like the information guide. It is, to use the Australian vernacular, bloody fantastic. Lots of real pictures of real people that will go a long way towards reducing the terrible sense of isolation.

The kit was put together by some of the 9 000 women who are members of the Breast Cancer Network of Australia, based on their own personal experiences. At the launch it was emphasised that the journey is not the same for any two women. Some women recommend one course of action, others another. The kit aims to provide women with sufficient information to be able to make choices. It encourages them to take a family member or friend with them to appointments; someone to listen to what the medical care team is saying; and someone to support them in the asking of questions.

The Breast Cancer Network also provides very helpful pamphlets, such as 'Helping a friend or colleague', which give suggestions to workmates (who have someone among them diagnosed with breast cancer) on the best way to support them through their complex journey. It gives tips for friends on what you might do, such as giving flowers from your garden, hugs, or a hand, foot or whole body massage—whatever you can do or afford—a treasure box for cards and letters, a journal, or a painting from a child. The practical information continues, and, certainly, as a result of talking to a number of women this morning, I know that they have found the support and comfort offered by other women also undertaking this journey to be a key to their healing. I urge all members to ensure that in any newsletter which they are issuing they include details about how women experiencing breast cancer can obtain a free copy of the My Journey Kit.

Time expired.

The Hon. S.W. KEY: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

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

1. That this house—

(a) supports a decision by the government to establish an independent inquiry into the handling of allegations concerning the Attorney-General and Mr Randall Ashbourne, which was first communicated to the Premier on 20 November 2002;

(b) supports the inquiry proceeding on the terms of reference contained in the document entitled 'Special Commission of Inquiry—Terms of Reference and Conditions' tabled by the Minister for Transport on 4 July 2005; and

(c) recognises that an inquiry, police investigation and criminal trial have already taken place in relation to the allegations and that the inquiry, contemplated by the terms of reference referred to above, should not proceed if any alternative inquiry into the same matter is commissioned or established by the parliament, the Legislative Council or any committee of the parliament.

I also move:

2. That the time allotted for this motion be 90 minutes.

The SPEAKER: Is that seconded?

Ms BREUER: Yes, sir.

The SPEAKER: I put the question: Those of that opinion say 'aye', against 'no'. I believe the ayes have it.

Mr LEWIS: No.

The SPEAKER: Is the member for Hammond calling 'no' or 'divide'?

Mr LEWIS: I am calling 'no'. There ought to be no restriction on this debate, Mr Speaker.

The SPEAKER: I think the ayes have it.

Mr LEWIS: Divide! I understand that it involves a suspension of standing orders to move this.

The SPEAKER: It does not involve a suspension. We are dealing with standing order 114, limitation on motion—no amendment, no debate.

The house divided on motion No. 2:

While the division was being held:

The SPEAKER: Standing order 221 provides that, should there be only one member on the side of a division, the Speaker, without completing the division, shall forthwith declare the decision arrived at. Therefore, the decision has been arrived at.

Motion No. 2 thus carried.

The SPEAKER: I point out to members that the limit on the debate is 90 minutes. The rules are a little different to those for normal bills in that the lead speaker for the opposition has one hour and other members have 20 minutes. This motion is dealing with the terms of reference. The bill (No. 122) is dealing with powers and immunities. Members should not seek to canvass what the inquiry will presumably consider if that is what members want to do by establishing an inquiry.

The Hon. P.F. CONLON (Minister for Transport): Of course, I support the principal motion and the terms of reference, which are the substance of the matter appended to it in the Special Commission of Inquiry Terms of Reference and Conditions. It is important when establishing an inquiry to have some idea of the parameters of the matters to be inquired into, which parameters, of course, arise from the purpose for which the inquiry is held and the circumstances surrounding it. The circumstances surrounding this matter are these. It has been sad, if not predictable, that the opposition has been running around screaming 'Cover-up, cover-up.'. It is important—

Dr McFetridge interjecting:

The Hon. P.F. CONLON: Here we go. The old Duncan McFetridge comes in like a tommy rough every time. But here is the alleged cover-up, right, and the set of circumstances. Randall Ashbourne has a conversation with a Labor chief of staff (a ministerial appointment, political appointment) who is disturbed by the subject matter of that conversation. That Labor person takes it to the Deputy Premier. The Deputy Premier is also (it is all on the record) disturbed by that conversation and takes it to the Premier. The Premier is disturbed by that conversation and brings—

Members interjecting:

The Hon. P.F. CONLON: We will talk about accountability and transparency in a moment. We will talk about the standards, because I know them very well from the previous parliament. There is absolutely no doubt that in the next debate on the bill I will enjoy rubbing your noses in the mucky standards that you had when you were in government, because you were a bloody disgrace. You were absolutely disgraceful. I am happy to go through the Anderson inquiry, the Motorola inquiries, and how we dragged you kicking and screaming to the matter of truth and compare it to this.

A Labor chief of staff takes it to the Labor Deputy Premier, who takes it to the Labor Premier, who then sends it to Warren McCann, who in turn takes legal advice and it goes off. This is a cover-up? We then send it to the Auditor-General. We send it to the state's independent watchdog. This is their idea of a cover-up. What emerged since that time was a view that the matter should have been referred to the police. Subsequently, it was referred to the police, and we have been through a criminal trial on the matter. From my perspective—

Mr Scalzi interjecting:

The Hon. P.F. CONLON: Sir, this would be easy to do if the member for Hartley could contain his boyish exuberance for a little while. I guess that it is his dying months in the place, so he should enjoy them as much as he can.

Dr McFetridge: He'll be here.

The Hon. P.F. CONLON: I wouldn't mind betting some money on that, but, of course, it would not be lawful. Given our relationship with the DPP at present, I am not going to mention anything unlawful. To come back to it—

Mr Scalzi: Can't you stop still?

The DEPUTY SPEAKER: Order, the member for Hartley!

Mr Scalzi interjecting:

The DEPUTY SPEAKER: I just called the member for Hartley to order.

The Hon. P.F. CONLON: I have got all day. You keep going.

The DEPUTY SPEAKER: Order! The minister has the call.

Mr Goldsworthy interjecting:

The DEPUTY SPEAKER: The member for Kavel will come to order.

The Hon. P.F. CONLON: It would be fun if, at some point—well, the clock has not started yet, so I figure that I have got a few free minutes here. You might want to have a look at that.

The DEPUTY SPEAKER: I think that the mover has unlimited time.

The Hon. P.F. CONLON: What occurred from that point is that the advice was that it should have been referred to the police. It then was referred to the police. After a police investigation it went off to the DPP, and the DPP chose to prosecute it. I have to say that, as a former lawyer and someone involved in the criminal law, I watched that prosecution with a bit of amusement. I was waiting to see where the evidence was but, at the end of the day, apparently there was not a great deal of evidence, and the person in question was acquitted unanimously in very brief time.

We said at the time this was referred to the police that we were happy to have an independent inquiry as to the handling of those allegations and matters when raised. I point out what would have happened in the previous Liberal government if a Liberal staffer had had the temerity to raise an issue: it would have been buried. It would have been immediately buried. It would not have gone to the Deputy Premier, to the Premier and to the Auditor-General: it would have been buried immediately, on the spot. We know how long it took to drag the truth out of them about Motorola—about seven years.

That is the key point we must make. Whenever you determine what needs to be inquired into, you must remember that this thing was brought to light and sent to the Auditor-General by Labor people, Labor ministers, the Deputy Premier and then the Premier. It is the most extravagant and ridiculous description of cover-up to send the matter that you were allegedly covering up to the Auditor-General, the independent watchdog. I would have thought that that was probably antithetical.

Mr Venning: It's corrupt.

The Hon. P.F. CONLON: It is corrupt. We are getting legal advice from the member for Schubert who tells us it is corrupt to send matters to the Auditor-General. I think you meant that under your government it was very unwise because it tended to give you a hiding on a regular basis. I do not think that, by any description, sending something to the Auditor-General is corrupt. It is on the record that subsequent advice is that matters should have been referred to the police. That was not something that was recommended by Warren McCann. I also point out that Warren McCann was an appointment of the previous government, and he was the person that John Olsen turned to on a regular basis when matters were raised about the operation. If you go back over the record, you will find that, during the Motorola inquiry, on a number of occasions Warren McCann was turned to, and we were quite confident about turning to the same person in whom the previous government had faith. But, there was a subsequent view that it should be referred to the police.

Since then, as I have pointed out, there was a speedy acquittal in the District Court. The purpose of the inquiry is now to look at whether things should have been done differently in terms of the referral process, perhaps in terms of Warren McCann, the Auditor-General and such like. That is why the terms of reference are appended to this special committee inquiry. I think they are entirely appropriate for an inquiry in those circumstances. The special commissioner will inquire as to whether that process was reasonable and appropriate in the circumstances. It is a fairly broad heading. The special commissioner will consider:

1. whether that process was reasonable and appropriate in the circumstances;
2. whether, having regard to the urgency and to the limited purpose of the preliminary investigation, there were material deficiencies in the manner in which the preliminary investigation was undertaken—

that would expose us to criticism if that is not the case—

3. whether, notwithstanding the findings of the report that there was no improper conduct and notwithstanding the conclusions of the Auditor-General, it would have been appropriate to have made the report public;
4. whether it would be appropriate in future to refer any credible allegation of improper conduct on the part of the minister or member of the minister's personal staff (that has not already been referred to the police) to the Solicitor-General in the first instance;
5. if the reference of such an allegation to the Solicitor-General would not be appropriate (in general or in a particular case) it would not be possible because of the Solicitor-General's absence or for some other reason, who would be an alternative person to whom it would be appropriate to refer such an allegation in the first instance for an investigation and advice.

It is entirely appropriate to the inquiry at hand. What we know and what is absolutely transparent on the face of the

record is that there was no cover-up whatever. As I stressed, the Deputy Premier brought it to the Premier, and the Premier ultimately sent it to the Auditor-General. No fool in the opposition could ever sustain that as a cover-up. It is clear that it may not have been as appropriate as it should have been. There may have been something else that should have been done, and we have been prepared to have that matter looked openly and independently.

Sir, you would not be surprised to find that the opposition, of course, being an opposition that has made no traction and no impression anywhere else, has decided that a wild and extravagant series of allegations and fishing expeditions is some tawdry way of climbing its way back into power. The evidence of that is a notice of motion from the other place from the Hon. Mr Lawson. The terms of reference for a select committee suggested there make it obvious that this is nothing but a muckraking exercise by the opposition and a series of wild allegations alleging nothing in particular but wanting to find out whether any minister, any minister's staffer, or anyone anywhere has ever done anything wrong, in an open-ended trawling exercise, and then adding some stuff later from more subsequent discussions with the DPP.

It is designed to distract this government away from running the business of the state and conduct an absolute circus. That is why part of the motion before the house today is that we are happy to give an inquiry with terms of reference into whether what was done and all of the circumstances were appropriate and reasonable. We are happy to do that, but we are not happy to do that with an independent inquiry while the Legislative Council is running some sort of circus. Unfortunately, we have seen the way the Legislative Council runs select committees. If anyone believes that it is some inquiry into the truth, then I am afraid that they are somewhat delusional. The terms of reference before the house are entirely appropriate to the circumstances and to the matters that gave rise to this motion. I commend them to the house, and I look forward to responding to whatever is thrown up by the opposition before moving on to the bill to establish the powers of the special commission of inquiry.

The Hon. R.G. KERIN (Leader of the Opposition): I rise to largely oppose the content of the motion put forward, and, soon, I will flag an amendment about this. Basically, this is about probity in government. When Labor came to power there were all sorts of quotes about how high standards were going to be, and the high bar was going to be so high, and we were going to have all this legislation, most of which we have not seen, to raise the standards. We saw a ministerial code of conduct which is constantly being broken, particularly by a couple of ministers. They promised very high standards and they have delivered probably an all-time low.

The Minister for Transport has given us his version of what has happened. There are several things he totally missed out. One is the fact that the first public of South Australia knew about this was seven months after suspected corruption was reported to the Premier and the Deputy Premier. Basically, for seven months they kept their fingers crossed and hid this from the public of South Australia and from the parliament. They had basically held an inquiry behind closed doors, and they disclosed nothing about the matter. Initially, when we asked questions in this house, they made out they knew nothing about it.

It was only the next day that they came back and gave us a rose-coloured glasses version of what had happened, including the fact that all these people had signed off on this wonderful report. Well, that explanation was incredibly selective. It has taken until yesterday for us to see those wonderful sign-offs and to hear about how all these people had said that it had been dealt with in an absolutely correct manner. What did we see from the Victorian lawyers? Questions asked about discrepancies in evidence given by certain people. How can you say that everything has been resolved when people have told the inquiry different things? We have an inquiry that is full of holes. Their process was very bad, but beneath that is the fact that we have never got to the bottom of what actually happened back in 2002. The key person—the person who it is alleged was offered board positions—has never been interviewed.

The Hon. P.F. Conlon: Why didn't they subpoena him?

The Hon. R.G. KERIN: Good question.

The Hon. P.F. Conlon: Because maybe he had nothing to give.

The Hon. R.G. KERIN: Well, it's a bit hard if they don't ask him. The leader of the house is saying that perhaps he had nothing to say. But how are you going to know—

The DEPUTY SPEAKER: Order! The deputy leader.

The Hon. DEAN BROWN: Mr Deputy Speaker, as I sit here I am amazed that you allow the minister, who has already spoken, to continue to try to speak and dominate as if he still has the call.

The DEPUTY SPEAKER: The deputy leader has made his point; he can take his seat. I call the leader of the house to order. However, I point out that, during the leader of the house's speech, there was constant interjecting from members on my left—not from the Leader of the Opposition, but from members sitting behind him. It is a bit rich when members get upset about one side interjecting when members on their own side have been doing exactly the same thing. So, perhaps the deputy leader might speak to those members sitting behind him about that very matter. The Leader of the Opposition.

The Hon. R.G. KERIN: The process that was looked at was not appropriate. What the government has put forward is all we are going to look at. We are going to look purely at the process, and that is not good enough. That still does not address what the initial inquiry was supposed to be about. The initial inquiry was flawed, and that has been proven. They hid the whole thing from the Solicitor-General to start with and, when the Deputy Premier finally showed the Solicitor-General, under the guise of asking what parts of the McCann report could and could not be released, the Solicitor-General took one look at it and said, 'You've got to take this straight to the police. This has to go to the Anti-Corruption Branch.'

It was only then that it was out of the government's control. Until then, no-one else had seen it; they had kept it to themselves. Beneath it all, it is not just bad process. Some very serious questions need to be asked of senior ministers of this government about who knew what and when and what negotiations actually took place. We have seen—and it has been admitted—that a senior adviser to the Premier was out there trying to negotiate in relation to the dropping of legal action. The inappropriateness of that action is very questionable, and the introduction of the prospect of board positions (which has been talked about by a couple of the witnesses) really brings it into the realms of corruption, and that needs to be properly investigated.

The government has tried to cover this up right from the start, and now we know why. We have always had our suspicions, but we have not been able to see the McCann report because the government has kept that completely under

wraps. However, having seen the evidence from the trial and what is contained in the McCann report, I believe that there is absolutely no doubt that there are some major discrepancies in the evidence given by ministers and advisers. That leaves a whole lot of unanswered questions, and that is why we need a proper inquiry, not the cover up that has been put forward by the government. In particular, there is a discrepancy between what the Attorney-General has said and what the senior adviser to the Premier (Randall Ashbourne) had to say, as well as what the Attorney said and what the Attorney's adviser, George Karzis, told the court. That means that there are many unanswered questions, and the people of South Australia deserve an open and honest inquiry in order to get answers to those questions.

If the government has nothing to hide, as it has said, we would have a proper inquiry. If the government has nothing to hide and it was not a cover up, we would have a public inquiry. We would have agreed terms of reference, and we would have agreed powers. We would not have senior cabinet members deciding what the terms of reference will be for an inquiry, when they are the target of that inquiry. That is totally unacceptable, and it is an absolute cover-up. As I have said, if the government had nothing to hide, it would not be going down this track.

I flag that I will be moving the following amendment to the motion put forward on the green paper. I move:

To amend the motion by deleting all words after (b) and inserting:

The same conditions for the inquiry set down in the letter sent to the Premier on 11 September 2003—

Incidentally, this letter was signed by the member for Chaffey, who is now a minister in the Labor government. It will be interesting to see which way she votes on this. The amendment goes on:

1. An inquiry will be established within 21 days of the disposition of the criminal charges against Mr Ashbourne.

2. The inquiry will be conducted by an independent senior counsel (or retired judge) appointed after consultation with the leaders of all political parties and Independent members of parliament.

3. The terms of reference of the inquiry will be agreed between the Premier and the leaders of other parties and Independent members.

That is a very important condition, one which the member for Chaffey seems to have forgotten. The amendment continues:

4. The inquiry will be given far-reaching powers, including the power to compel the attendance of witnesses and the production of documents—see Software Centre Inquiry (Powers and Immunities) Act 2001.

5. The person appointed to undertake the inquiry will be adequately resourced, including counsel assisting, if required, and a senior ex-public servant of high standing to assist the inquiry.

6. The timeline for tabling the report be agreed to at the time of setting the terms of reference.

7. The report of the inquiry will be tabled in parliament within 48 hours of its completion or, if parliament is not then sitting, be presented to the presiding officers of both houses for publication in a manner similar to out-of-session reports of parliamentary committees—see Parliamentary Committees Act 1991, s.18.

One thing that is going to be very interesting is what the Minister for Consumer Affairs, the member for Chaffey, does, because this is exactly what she signed off on. It will be interesting to see whether she sticks to her word. She is a signatory to those conditions put to the Premier back in September 2003.

The terms of reference that have been put forward by the government absolutely stick the process. There is no way in the world that any of the five terms of reference that are put allow the actual issues to be looked at. You really have to ask, 'What does the government have to hide? What are they hiding?' The first term of reference is whether that process was reasonable and appropriate in the circumstances. We know it was not. We already know that. We know the answer to that one. That one has been answered. Let us look at No. 2—and this is the one that the member for Chaffey says that she had them insert because this is the catch-all, and I do not see it that way:

2. whether, having regard to the urgency and to the limited purpose of the preliminary investigation, there were material deficiencies in the manner in which the preliminary investigation was undertaken;

That says nothing about an inquiry and what actually happened. That looks purely at the process. Was there a deficiency in the investigation? We absolutely know that there was because what we have seen since has well and truly proven that, and the other terms of reference that they have put forward are nothing but a cover-up. They go absolutely nowhere, they are apologies, they are basically rhetoric, they are spin, and they do absolutely nothing. So, we are faced with a situation where we have terms of reference which go nowhere.

We would like to see a number of things in the terms of reference. Firstly, whether the Premier, any minister, ministerial adviser or public servant participated in any activity or discussions concerning: (a) the possible appointment of Mr Ralph Clarke to a government board or position. The situation is that we have heard conflicting evidence, and no-one has been able to give a clear answer to that. It is a pity that no-one asked Ralph Clarke because he is the one person who we might be able to get an answer from. The Attorney has given a different answer to Mr Ashbourne, and the Attorney has given a different answer to Mr Karzis on that particular issue; and (b) the means of facilitating recovery by Mr Clarke of costs incurred by him in connection with the defamation action between Mr Clarke and the Attorney-General, Mr Atkinson.

My understanding is that that is where the rehabilitation in return for dropping the legal case came unstuck, because that did not solve the issue of outstanding legal costs, and that, I am told, was the genesis of the idea of actually putting Ralph Clark on a board as compensation. Secondly, the content and nature of such activity or discussions. We want to know what happened. We want to know what is going on. The people of South Australia deserve to know what were all of these negotiations behind closed doors.

This government is very much about back room deals. The member for Chaffey, again, is a product of those back room deals, and I am very disappointed that she has not stuck by the letter that she signed agreeing that the terms of reference need to be agreed on by the parties. We want to know: did the Premier or any minister or ministerial adviser authorise any such discussions, or was the Premier or any minister or ministerial adviser aware of the discussions at the time that they were occurring, or subsequently? A very important question for the people of South Australia is: was Randall Ashbourne just acting as a rogue lone agent? Who knew what he was doing? We have heard the discrepancies from the Attorney-General but we need to know whether—

The Hon. P.F. Conlon: The alleged discrepancies. You have not heard them; you have alleged them.

The DEPUTY SPEAKER: Order!

The Hon. R.G. KERIN: Well, they are different from each other. That is a discrepancy in my book.

The Hon. P.F. Conlon: You allege.

The Hon. Dean Brown: They are there.

The Hon. P.F. Conlon: Dean, we know about your evidence.

The Hon. R.G. KERIN: If the government has nothing to hide it will allow the inquiry to look at whether or not ministers knew about the negotiations which were going on. They have claimed that they did not; let us test it. Fourth, did the conduct, including acts of commission or omission of the Premier, any minister, ministerial adviser or public servant, contravene any law or code of conduct, or was such conduct improper, or did it fail to comply with appropriate standards of probity and integrity? Both the Premier and the Attorney-General have claimed—and they claimed from the day that Randall Ashbourne was charged—that Randall Ashbourne being charged cleared the Attorney-General. Well, that is absolute rubbish. That did not clear the Attorney-General. The police found that they had enough to lay charges in one case. That does not clear anyone else and, even if there was no proof of criminal conduct, the police are only there about criminal conduct. There is a whole range of issues about appropriateness of what ministers do, and what happens within ministerial offices, and that really is a question which needs to be answered and, at the moment, it is absolutely out there without an answer beside it.

Also, there is whether the Premier, ministers, or ministerial advisers made any statement in relation to the issues which were misleading, inaccurate or dishonest in any material particular. The member for Chaffey says that she is consistent. The member for Chaffey has rolled over to cabinet on this one because she is saying that this is the same as the Clayton report. If the term of reference which refers to misleading, inaccurate or dishonest in any material particular were added in, it would be one thing that would be consistent with the last one, so she should also allow that one to go ahead.

There is a whole range of questions about the actions taken by the Premier and ministers in relation to the issues, as to whether they were appropriate and consistent with proper standards of probity and public administration. Some of those are: why was there no public disclosure of the issues until the opposition raised it in this house? This is open and accountable government—nothing to hide—and yet they hid this for seven months. It was only after questions were raised here that the government fessed up at all to the fact that it was even an issue, why the issues were not reported to police in November 2002 and whether that failure was appropriate. On the weekend in *The Sunday Mail*, we saw where two legal experts were shown excerpts from the McCann report, particularly the interview between McCann and Randall Ashbourne. Basically, those two experts asked why the Premier and the Deputy Premier did not report this to the police at the time it was brought to their attention. That is a very important question—one that remains unanswered—and that should be one of the things the inquiry looks at.

There was the matter of why Randall Ashbourne was reprimanded in December 2002 and whether that action was appropriate, because seven months later the Deputy Premier came in here and told us that everything had been resolved and that there had been absolutely nothing wrong. If that was the case, why was there a formal reprimand? That is something the inquiry needs to look at.

The other issue is whether the appointment of Warren McCann to investigate the issue was appropriate. Mr McCann is a fine public servant, but was it appropriate to put him in that position? There is also the matter of whether actions taken in response to the report of Mr McCann were appropriate. There is the question whether it was within the ambit of the Auditor-General's powers to make a judgment on this issue. Basically, the government sent it to him for advice, and there is a major question as to whether or not that was the correct thing for the government to do. Once the Auditor-General was asked he did it, but was it the right thing to ask him to do?

There is also the matter of whether adequate steps were taken by Mr McCann, the South Australia Police and the Office of the Director of Public Prosecutions to obtain from Mr Clarke information which was relevant to the issues. There is a serious question out there in the public that is raised quite often: 'Why have we gone through all this and no-one has spoken to Ralph Clarke?' Surely, when you have such a key issue, the first person that you ask is the person who could say, 'Yes, I was offered,' or 'No, I was not offered.' There is a very serious question over this whole process that is out there in the general public. They do not understand—and the opposition does not understand—why Ralph Clarke has not been approached. The prosecution could have offered him immunity if they were fair dinkum and really wanted him to go in and talk. It is a question, and we are not too sure just why—

An honourable member interjecting:

The Hon. R.G. KERIN: No, we are saying that we do not know why. This inquiry should look at what the reasons were for that. An inquiry is set up to answer the questions that are put by the public, and the public are asking that question. However, no-one is able to give them an answer. There is also the issue of whether Mr Ashbourne, during the course of his ordinary employment, engaged in any, and, if so, what, activity or discussions to advance the personal interests of the Attorney-General; and, if so, whether any minister had knowledge of or authorised such activity or discussion. That is self-explanatory. Also there is the question of whether Mr Ashbourne undertook any, and, if so, what, actions to rehabilitate Mr Clarke and others.

There is a whole range of issues to which the public of South Australia deserve answers. At the moment we have absolutely no answers on this—we have a cover up. We are facing a ridiculous situation where not only the government is trying to shove through very limited terms of reference but also it has a motion before this house to try to interfere with the operations of the other place—to stop the upper house from having its own investigation. Once again, what does the government have to hide? It has to be a cover up. If it is not a cover up, the government would not be doing what it is doing. It is absolutely ridiculous that we have these terms of reference. Paragraph (c) of this motion is very much the close down provision.

Members interjecting:

The SPEAKER: Order!

The Hon. R.G. KERIN: It is about this government's not wanting to be open and accountable and covering up what happened back in 2002. It looks as if there were very serious breaches of what ministers should do, and that matter needs to be investigated. Until we get a proper inquiry we will have absolutely no answer to that. I urge all members to support my amendment to this motion. Let us have a meaningful inquiry. If the government has nothing to hide, they will support it. One person who should sit with opposition members when we vote is the member for Chaffey, because

what we are putting is exactly what she signed off on back in 2003.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I oppose the motion moved by the government and very strongly support the amendment moved by the Leader of the Opposition. I would like to work through some of the crucial issues. Clearly, here is a corruption allegation at the highest level of government: it involves the Premier, the Deputy Premier and the Attorney-General going before the court. Never in the history of this state has that occurred. Here are these very senior people having to go before the court involved in a corruption inquiry concerning a staff member of the Premier—a very serious matter indeed.

The leader has adequately dealt with the issue of the huge delay between when this incident occurred and when it finally was revealed to the house, the embarrassment we all know the government went through, the way it tried to hide it day after day in this house, and eventually it got to the Crown Solicitor and to a court case. The Premier said, 'I am willing, after the court case, to have an open and full inquiry.' So, when we got to that point—after the court case, to have an open and full inquiry—what do we find? We find the most restrictive terms of reference you could possibly have. We have terms of reference that look purely at the very limited process. I have been around this place long enough to know that you can manipulate an inquiry if you restrict the terms of reference sufficiently, and that is exactly what this government is doing.

Members interjecting:

The SPEAKER: Order!

The Hon. DEAN BROWN: This government is trying to strangle the inquiry before it gets going by proposing the most restrictive terms of reference that you could possibly have. I pick up the point of the member for Chaffey. When the inquiry was first announced, the member for Chaffey, who is the National Party leader, together with others including the Leader of the Opposition, the leader of Family First, the leader of The Greens, the leader of the Australian Democrats, and Independents Terry Cameron and Nick Xenophon from No Pokies, set down the conditions they thought should apply to this inquiry. The Premier said at the time that there would be full consultation. 'Don't worry: we will consult with the opposition and with the other parties in relation to the terms of reference. We will consult with them as to who carries out the inquiry.'

Now we reach the point of reality. This is the reality show, and we see in this reality show that the terms of reference are extremely restrictive. What has happened to the member for Chaffey, the person who agreed to seven different points? We are putting up those points now as part of the amendment and it will be interesting to see, now that the member for Chaffey has a chauffeur-driven car and all the perks of a minister, has the million dollars spent in terms of creating the extra ministry, whether she still supports that position she put down on 11 September 2003.

The other interesting point here is that the motion before the house at present has as part C that, if the Upper House happens to carry out its own investigation by setting up a select committee or if it goes to any other parliamentary committee, this inquiry will immediately be terminated. If ever there was a dummy spit by a government, that is it. Here is a government that is too scared to face an inquiry in the Upper House together with this inquiry; too scared to have an open inquiry so that people can hear the evidence presented, as would occur in court; and too scared of all the subsequent events that have occurred, such as interference with the DPP right in the middle of evidence being given by senior ministers.

Here was the senior legal adviser to the Premier actually ringing and apparently abusing someone in the Office of the DPP in the middle of a Supreme Court case. I find that absolutely outrageous, to think that there are ministerial staff who are actually trying to tell the staff of the DPP what should occur when the DPP is trying to run a legal case involving alleged corruption. Of course, we know the whole series of other issues about the DPP handing a letter to the Attorney-General and that letter being handed on to the Hon. Carmel Zollo, and then suddenly, within 45 minutes, it turning up in the hands of the legal adviser to the Premier. Who leaked that letter to the legal adviser to the Premier?

The Attorney-General has claimed that it was not him. The Hon. Carmel Zollo has claimed it was not her. Who did leak that letter to the legal adviser of the Premier? Furthermore, who leaked it to the defence team? Because within 24 hours, according to the DPP, the defence team knew about that letter being delivered to the Attorney-General. These are major issues that must be investigated and, quite clearly, the terms of reference for this inquiry make sure that we do not get a chance to investigate them. Therefore, clearly, we have a government that is too scared to have an open and full inquiry; too scared to have open terms of reference; and too scared to have a public hearing in terms of some of the evidence given.

The Leader of the Opposition has cited numerous cases of some of the issues that go unanswered, and they are the issues that need to be dealt with by this inquiry. Let me touch on some of those again. The terms of reference that we have before us will not allow Ralph Clarke to give his version of events. I would have thought that that was the most fundamental issue of any inquiry: to allow Ralph Clarke to appear and to give evidence. There has been no satisfactory explanation whatsoever from the government as to why Ralph Clarke should not appear. The inquiry will not allow the commissioner to examine, let alone determine, whether the Premier, the Attorney-General, any minister or adviser breached the ministerial code of conduct or acted improperly. That has been absolutely pushed to the side by the government, which is too scared to go into that sort of area.

It is too scared to go into the area of resolving the contradictions between the evidence given by the Attorney-General Mr Atkinson and his staff member, George Karzis, and Mr Ashbourne, the former staff member of the Premier, both of whom said that the topic of offering board positions was discussed. Effectively, this crucial issue of whether the Attorney-General misled the parliament has been completely swept under the carpet. That is how important it is: the crucial issue is whether the Attorney-General has in all the explanations given to this parliament misled this parliament. That issue cannot be examined under these terms of reference and that is the very issue that this parliament should be insisting upon.

That highlights the extent to which this government has tried to manipulate the terms of reference to make sure that there is no chance whatsoever of the Attorney-General or anyone else being found to have misled this parliament or to have put up contradictory evidence, which is clearly what has occurred. The other area that this investigation will not be able to enter is to allow the commissioner to determine whether there was any attempt by advisers to interfere in the

Ashbourne trial, as alleged by the DPP, Stephen Pallaras QC. Again, that is a very important issue: whether or not in the middle of the corruption trial there was any attempt by the Premier's staff to interfere with the trial, and who leaked crucial information to the defence team as part of this trial. I support the amendments put forward by the Leader of the Opposition. Clearly, a cloud will continue to hang over this government and this particular corruption allegation unless those matters can be adequately cleared up. We know that it can only be cleared up if it is a public inquiry which has very broad terms of reference, as required.

The other area to which I particularly object is this government's claiming that if there is any other investigation by another house this will not go ahead. That is the dummy spit of the year—it even exceeds that of the senior minister, together with other ministers, in the upper house refusing to answer questions last week. It was like a group of children at a birthday party who had been denied something: then sitting there in the parliament, which is the forum for democratic debate, and refusing to answer questions. Well, this is even worse than that. They are now saying that if there is any other inquiry in the upper house—and, frankly, the other house is master of its own destiny in these matters—we will not go ahead with our inquiry; we will take it away and make sure it does not proceed. This motion is a disgrace. It will be interesting to see where crucial people now sit: whether they will support the government in trying to produce a whitewash of this issue, or whether they are willing to have the democratic processes of this parliament well and truly exposed to see whether there has been any corruption.

Mr HAMILTON-SMITH (Waite): It is plain and simple: this motion is about corruption and power. It is about whether, at the very highest levels, this is a corrupt government. It is about whether senior ministers—and, indeed, the Premier himself—have knowledge of the events dealt with by this motion. We know there has been—

The Hon. P.F. Conlon interjecting:

Mr HAMILTON-SMITH: The minister is interjecting, but the minister is interested in one thing: covering his government. He is not interested in the truth or openness and accountability.

The Hon. P.F. CONLON: I rise on a point of order, sir. It is absolutely improper to impugn those motives.

Mr HAMILTON-SMITH: It is probably the greatest scandal this parliament has seen for over 20 years.

The Hon. P.F. Conlon: You have to stop for a minute, mate.

The DEPUTY SPEAKER: I do not think that anything the member for Waite has said so far is unparliamentary, but I caution the honourable member about what he does say about the truthfulness or otherwise of ministers.

Mr HAMILTON-SMITH: Very well, sir. I note that the motion states:

> (a) supports a decision by the government to establish an independent inquiry into the handling of allegations concerning the Attorney-General and Mr Randall Ashbourne. . .

Those allegations are about corruption at the very highest levels of government. If I stray into that area, please excuse me, but it is a motion before the house and I think it should be a fairly free-ranging debate. Those very allegations are criminal allegations. I know they have been dealt with in the court, and I know there was not enough evidence to convict Ashbourne. Now, there was not enough evidence to appropriately convict McGee, either, and we are having a royal commission into the McGee matter.

The Hon. P.F. Conlon: He was actually convicted, you goose!

Mr HAMILTON-SMITH: Let me simply say that to draw a parallel between the Olsen matter and this matter is nothing but a joke. Olsen was never charged with corruption. Senior members of this government have been charged with corruption.

The Hon. P.F. Conlon: Who?

Mr HAMILTON-SMITH: The senior adviser to the Premier. We are being asked to believe that the Premier had no knowledge of what Mr Ashbourne (his most senior confidante, his most trusted confidante, the man who negotiated the deal with speaker Lewis, the man who was the insider, his right hand man) was doing. Of course, we are being asked to believe that the Attorney-General of stashed cash, the Attorney-General who was supposed to monitor the relationship with Mr Lewis, the Attorney-General who put up the stupid privileges bill, the Attorney-General who hired the DPP—isn't he sorry about that?—the Attorney-General who is failing to manage that relationship, and the Attorney-General who has already stood down once over this matter and is now trying to deny his way out of it further, knew nothing about what Mr Ashbourne was doing. I do not believe it; very few members on this side of the house believe it; I do not think many government members believe it; and at least four unions do not believe it. Attorney-General, there is the door: they want you gone; your own side wants you out of here—and well they may.

The Attorney-General has had his hands on every mess into which the government has got itself. It is about criminality and whether senior ministers and the Premier knew about any of this. The documents tabled this week by the government are simply stunning. Someone is lying; someone is telling a lie. It is either Mr Ashbourne, Mr Karzis or the Attorney-General. Someone is lying. When we look at the McCann report and the questions and answers—

The Hon. M.J. Atkinson: Read it all out!

Mr HAMILTON-SMITH: —it states that the discussions were with the Attorney. Can we do the same with the Attorney as we did with Ralph Clarke, and so on? Then it goes on: 'After each discussion with Ralph, you spoke to the Attorney-General.' The answer is, 'Yes, I reported back to him on what went on.' The next question was, 'Did you say to the Attorney-General that he had rehabilitated and he could introduce the idea of future appointments?' The answer is yes, and so it goes on. It is simply damning. Even legal counsel, which the government sought to whitewash over McCann's report, said:

> The inconsistencies between versions of events given by Ashbourne are troubling and raise real concern about the reliability of statements made by him.

It also goes on to say:

> There is a difference between the evidence given by the Attorney-General and that of Ashbourne to the extent to which the Attorney-General knew that Clarke wanted or expected or should have a government appointment as part of the rehabilitation process or in response to withdrawing defamation proceedings.

We have media reports and transcripts telling us that the Attorney's adviser Karzis was present at meetings with the Attorney and Ashbourne when these matters were discussed. The Attorney gets up in the house and denies it. Who is telling the truth? Who is the liar? Is it the Attorney, Karzis or Ashbourne? Who is telling the lies? That is what this inquiry

needs to find out. We know why the leader of government business does not want this matter dealt with—

Members interjecting:

The DEPUTY SPEAKER: Order!

Mr HAMILTON-SMITH: —because he wants to cover his government. That is all he cares about—forget about openness; forget about the truth. It raises questions about whether there is a conspiracy going on over there to conceal the truth, which is what this motion is dealing with—

The Hon. P.F. CONLON: Mr Deputy Speaker, I rise on a point of order.

The DEPUTY SPEAKER: The minister has a point of order. The member for Waite will resume his seat.

The Hon. P.F. CONLON: It is absolutely unparliamentary to accuse me of engaging in a cover-up to hide the truth.

Mr Hamilton-Smith: I didn't do that.

The Hon. P.F. CONLON: It is exactly what you said.

Mr HAMILTON-SMITH: Mr Deputy Speaker, with respect—

The Hon. P.F. CONLON: At least have the courage to stand behind your slimy—

The DEPUTY SPEAKER: Order!

The Hon. P.F. CONLON: I know what you have said—

The DEPUTY SPEAKER: Order!

Mr Hamilton-Smith interjecting:

The DEPUTY SPEAKER: Order! The member for Waite will take his seat.

The Hon. P.F. CONLON: I am sorry, sir.

The DEPUTY SPEAKER: I did not hear the precise—

Members interjecting:

The DEPUTY SPEAKER: Order!

Members interjecting:

The DEPUTY SPEAKER: Order! I did not hear the exact words that the member for Waite uttered. It is unparliamentary to impute improper motives to another member. I just caution members. The debate should be about the adequacy or otherwise of the terms of reference, and if members stick to that debate they will not get themselves into trouble.

Mr HAMILTON-SMITH: Thank you, Mr Deputy Speaker; I thank you for your guidance. I made no reference to an individual member. To get back to the issue of this motion, I have heard the minister talk about the Motorola inquiry and other inquiries. I refer to a statement made on 10 December 1998 by the Hon. Trevor Griffin and the terms of reference that were used into allegations by the then opposition, the Labor Party, into the then minister for industry, manufacturing, small business and regional development on the issue of Motorola. I refer to term of reference No. 2, which states: 'If any of the statements referred to above are found to be false or misleading.' I do not see that in these terms of reference.

I now refer to the software centre inquiry, term of reference No. 2: 'to determine whether any oral evidence given to the Cramond inquiry was misleading, inaccurate or dishonest in any material particulars'. I do not see that in these terms of reference.

The minister wants us to believe that he is consistent in the standards he is applying. I will tell members why those terms of reference were required in the case of the software centre inquiry: because the minister got the so-called Independents, the members for Chaffey and Mount Gambier, to ensure that they were there. I pick up the point raised by the leader and the deputy leader: where are the members for Chaffey and Mount Gambier now? Why are they not insisting that this inquiry and these terms of reference include in them whether or not there were any misleading, inaccurate or dishonest statements made by ministers, the Premier and others? No, they are not there, are they?

I tell members that when we vote on this issue the two so-called Independents will not be here. They will be paired. I bet they will be paired, just like they were a moment ago, so that they will not need to have the courage to come in here to vote. We will see, Mr Deputy Speaker, but I think—

Mrs GERAGHTY: Mr Deputy Speaker, I rise on a point of order. My point of order is that the member for Waite is making disparaging remarks about two members who were paired and the pair—

Members interjecting:

The DEPUTY SPEAKER: Order! I cannot hear anything the member for Torrens is saying.

Mrs GERAGHTY: I wish to put on the record that I paired them—

The DEPUTY SPEAKER: No, that is not a point of order.

Mrs GERAGHTY: He needs to understand that I paired them to pair with opposition members—

The DEPUTY SPEAKER: Order! The member for Torrens will take her seat. Points of order are not an opportunity to respond to allegations made by members. The member for Torrens has two options: either to make a contribution to the debate or to seek leave to make a personal explanation.

Mr HAMILTON-SMITH: We will see what happens when we have the vote. One thing I have learnt in this place is that, in relation to controversial issues on which you know you will have to face your constituents, it is a good idea to be in the chamber when the vote is called. We do need to know the truth of what has happened. These terms of reference will not lead to the truth. As I have pointed out, they are in total conflict with the terms of reference that this house required during the earlier inquiries in the life of the former government—insisted upon by the Independents and in a high and mighty fashion by the minister who now sits here trying to tell us that this inquiry will look into the matter adequately.

One can reach only one conclusion if this motion is carried, that is, that the government is covering up corruption. That is the only conclusion one can reach, because if it was genuine it would have listened to the Leader of the Opposition when he pointed out the range of issues that should have been picked up in the terms of reference—and, in particular, the question of whether the Premier, minister or ministerial advisers made any statement in relation to the issues that was misleading, inaccurate or dishonest in any material particular. That is not going to be there, is it, minister? You do not want it there. These terms of reference are nothing but a joke. The second term of reference states:

> Having regard to the urgency and the limited purpose of the preliminary investigation, there were material deficiencies. . .

I mean, it presupposes the outcome of any inquiry. The terms of reference are a joke. They are misleading. They take whatever inquiry may be formed down a path towards conclusions before it has even begun its work. They are an absolute bucket of nonsense. This also leads me to the question raised in the McCann report and by legal counsel who advised McCann. I think they called it 'nudge, nudge, wink, wink' or a 'wink and a nod' communication in this whole matter. Here it is. Page 12 of the legal advice states:

It may be that Ashbourne was, to use a colloquialism, giving a wink and a nod to Clarke.

Well, could I suggest to the house that quite a bit of nodding and winking might have been going on over here. Anyone who believes that the Premier and key ministers had no idea what Randall Ashbourne was doing on a day-to-day basis needs to get a life. I cannot believe that slick Mick would not have Mr Ashbourne in his pocket at every turn. Why were these matters not referred to the police earlier? There was seven months of delay to which the leader referred. It was only when you were caught with your fingers in the till that you put up your hands and said, 'Yes, it was me; yes, it was me.' Of course, we know how quick the Deputy Premier was to dob in the Attorney-General. There is quite a lot of 'nudge, nudge, nod and a wink' going on in this government. It is an absolute scandal.

These terms of reference stink. I am particularly bemused by paragraph (c), which states that if an inquiry is commissioned in the upper house, well, we will forget about having an independent inquiry. What we will do, as a government, is stick to these ridiculous terms of reference, these stupid terms of reference, these incomprehensible terms of reference, which are an embarrassment to the minister. I cannot believe that, as a legal professional, he has brought them in here.

He tries to keep a straight face. We will use our numbers with the help of the Independents to force them through; and, if the upper house resolves to have a select committee into the matter, we will just drop the independent inquiry. Regardless of our commitments to the public two years ago, regardless of the undertakings given, we will just drop the whole issue. If that happens, there is only one conclusion that the people of South Australia can reach, that is, that a corrupt government is trying to conceal the truth from the public. That is the only conclusion they can reach. That is the message which we will be transmitting and which, I am sure, others will be hearing and receiving.

That is the only conclusion one can reach. It is a shame that the Attorney has left the chamber because, if he was here, I would like to ask him a question. I would like to ask him to confirm whether something that was leaked to me is true. I had a call along the lines (and if it is not correct I would love to have him come in here and say so, because it was a leak; it is secondhand) that, on the Friday of the case, Randall Ashbourne was actually at a birthday function at the ministerial office around midday in the presence of staff from the Attorney-General's office celebrating the Attorney's birthday.

This is not the evening dinner. It came to me on the basis that staff at the Attorney-General's office did not know what was going on. They thought the Attorney was a witness for the prosecution, but then Ashbourne was at the ministerial office having a cup of tea and birthday cheerios with the Attorney that afternoon. If the information I have been given is wrong, I would be delighted for the Attorney to correct the record. But it all seems a little cosy, doesn't it? One minute you are a witness for the prosecution and the next thing you know it is a slap on the back, 'Come to my birthday lunch. Let's go out for dinner.'

The people of South Australia are justified in feeling that something about this stinks, and the unions of a number of members sitting on the backbench agree. In fact, four of them have been on the television all week saying, 'Get rid of the Attorney. Don't fix the problem, sack him.' Well, we agree: sack the problem. Not only that, inquire into the truth and find out what really happened. Let us see who else knew the facts about this case, because the people of South Australia have a right to know.

These terms of reference are a nonsense. They are an embarrassment to this government, a government involved in the biggest political scandal in 20 years, with ministers traipsing in and out of the court, with the Premier's right-hand man (the most trusted adviser in government) arraigned for corruption. Now we are told—because there was not enough evidence—that we should go away and forget about it and have some whitewash inquiry with dopey terms of reference which, frankly, should be an embarrassment to any minister or senior legal counsel. I do not buy it. This stinks. It stinks to high heaven. The people who are linked to it stink. The people of South Australia have a right to have the air freshened. Let us have a proper independent inquiry with the terms of reference that the opposition is calling for so that the media and the public can have a fair look at this, and make up their own minds about whether this government is all spin or whether it is true to its word. I think I know the answer.

Members interjecting:

The DEPUTY SPEAKER: Order! I call the member for Bragg.

Ms CHAPMAN (Bragg): In considering this motion, I think it is important to recall the events preceding the abandonment of litigation at the end of 2002, which has precipitated no less than three inquiries and one criminal trial to date. In 1997, during the term of the previous government, Mr Ralph Clarke, a former member of the Australian Labor Party, indeed a member of this house, was charged with three counts of assault on Edith Pringle. A number of things occurred during the course of the conduct of the trial of that matter, which, in February 1999, some two years later, resulted in a nolle prosequi being entered into. Mr Clarke had not given evidence during the course of those proceedings.

In the year 2000, on 16 April, came the now infamous interview on 5AA Radio when the Attorney-General and the said Mr Clarke spoke on air on the Father John Fleming program, where the Attorney-General claimed that the Pringle trial was unsatisfactory, and that the ALP needed to have a not guilty verdict. It was claimed by Mr Clarke that he had been defamed by the statements of the Attorney-General and, indeed, on 16 October that year, the Attorney-General provided a written apology to be read on the 5AA station. In October that year, Mr Clarke instituted action for defamation against the Attorney-General in the District Court. There were various defences filed and the like. The matter progressed fairly slowly during 2001, and then in January 2002, while most of us were actually out there during the course of the election in February 2002, Master Rice of the District Court actually set the defamation trial for 3 June. Interestingly, that trial was adjourned.

Then we have a very critical event that occurs on 15 November 2002 when this action, which had had two years of history of litigation, mysteriously disappears as a result of discontinuance of the proceedings. From that, unknown to us as a parliament until 25 June 2003, we have series of events which have been the subject of the number of statements in this house involving inquiries and investigations undertaken by Warren McCann, by a Victorian QC, James Judd QC, the Victorian Government Solicitor, Ron Beazley, and then in December that year a reference to the Auditor-General. I am not quite sure that we could call that a report; it was ultimately referred to in his final report as a matter which he had

considered and then apparently provided some written correspondence to the Premier, as best as I can understand.

I outline this because this is the background of the legal proceedings that would clearly cause embarrassment to a new government, if they were to continue. Therefore, some very serious and real questions need to be asked about that. Unfortunately, we have a situation where, as a result of these inquiries (if I can place them best at that) and references by the Premier to persons to make some assessment of his conduct and members of his ministry in this matter, we have myriad conflicting statements. We still have an enormous amount of unanswered questions, but we have an enormous amount of conflicting evidence. That is also compounded by the evidence that we now have from the criminal proceedings that took place against Mr Randall Ashbourne who, as the government would have us believe, was someone who became a lone operator in the course of his obtaining and preparing a list of suitable board positions for purposes yet to be finally determined. In any event, what we do know is that, whether he acted alone or with others, at the very least he started compiling a list of suitable board positions. That may not have been sufficient to convict him in the criminal courts but it clearly opens another lot of questions.

After June 2003, once the government had been forced to disclose this matter, one has to ask the obvious question why the Premier had not made this information available, particularly back in December 2002, when the Premier said he had confirmation from the Auditor-General on 20 December 2002 that the action taken was appropriate to address all the issues raised. Why was it, then, that the government was so secretive in order to keep this matter in check?

We now have the McCann report and the Ron Beazley response, as well as copies of correspondence, even from the Premier, in relation to his chastising Mr Ashbourne about his, at the very least, inappropriate behaviour at that time. We have a letter from the Premier, which he provided to the parliament yesterday, telling us that he not only reprimanded Mr Ashbourne but also had given him notice that he was to attend a special session, which was going to be organised in the new year, concerning the future conduct of ministerial advisers and staff to ensure that this sort of situation did not arise again. We do not yet know whether or not Mr Ashbourne attended that course, but that was the Premier's determination. Why is it then that, after the matter was disclosed to the parliament and after the parliament had to deal with this matter publicly, Mr Ashbourne stood down on 1 July?

Even more extraordinary, on 29 August, after the Acting Director of Public Prosecutions (Wendy Abraham) announced that Mr Ashbourne would be charged, members will recall that the Premier sacked Mr Ashbourne. On the Premier's own admission, this was a person whose actions during the course of the events surrounding November and December 2002 the Premier thought justified a reprimand and a bit of sessional therapy in January, along with other members of the staff, about their future conduct, and in August we have the Premier sacking Mr Ashbourne.

We now have a situation which creates yet another problem and which is all the more reason why we need to have this inquiry. Mr Ashbourne, of course, has now been acquitted of the charges against him and, not surprisingly, is seeking some financial restitution or compensation from the government for his dismissal on 29 August 2003. Doubtless, that is one more aspect of this tawdry case for which the South Australian public will have to pick up the significant financial cost. I will not traverse the areas of conflicting evidence put by other speakers, but I will say that it is clearly necessary for us to have an inquiry that will report on the matters that have been flagged by the Leader of the Opposition.

Perhaps the most disappointing aspect of the process in relation to the moving of this motion is that the amendments presented by the Leader of the Opposition are clearly no longer agreed to by the Minister for Consumer Affairs (the member for Chaffey), who was a signatory (and approved by telephone) to the letter of 11 September 2003, in which the conditions of the inquiry were set out.

I find it most disturbing that there would be some change in the minister's position in relation to this, when this motion is an exact replica of what she signed up to in September 2003. If there is some justification for her doing so, one should expect that we would have heard from the member for Chaffey in relation to this matter. It seems an extraordinary backflip, not just from what has been canvassed today in relation to her apparent change in position from the Motorola inquiry to this inquiry but also why her position in relation to this inquiry in September 2003 would change. She is the Minister for Consumer Affairs, and she is there to protect the interests of the public and, quite frankly, the public of South Australia are clearly the consumers in relation to an expectation of a government which acts lawfully and without corruption and a government which acts openly and diligently. It is beyond me why the minister is not here to defend that position and vote on this motion. I think she owes some explanation to the parliament, given the seriousness of this matter.

Finally, in relation to the availability of information for the purposes of this inquiry, even today we had some discussion in this chamber about the availability of the transcript from the criminal trial of Mr Ashbourne, the evidence of which will be pertinent to any inquiry, whatever the terms of reference. I remind the house that on 30 June 2005 the Hon. R.I. Lucas, in another place, requested the Minister for Industry and Trade (Hon. Paul Holloway) to provide the transcript from the trial. The minister declined to provide it, but he made the point that it was available from the court.

When Mr Lucas informed the minister that a request had been made of the Courts Administration Authority for the purchase of a copy of transcripts, in particular, by a member of the media, it had been refused. Mr Holloway indicated that he would look into the matter, with the understanding that only the Director of Public Prosecutions or a judge of the District Court could give authority in relation to that. Mr Lucas says:

> The media representative then went upstairs to the Criminal Registry as directed, and an officer at the registry told the media representative, 'The judge has stopped all access to the transcripts.' The media representative then protested and asked why—as these were public documents, in the words of the media representative, and normally available—the media representative could not purchase transcripts of the Ashbourne trial.

That is available for all to read. Minister Holloway indicated that he would certainly look into that matter, but this is just one small piece of frustration for anyone who wishes to try to get to the bottom of this matter—for the transcripts to be available for the inquiry. Therefore, I ask the house to seriously consider this matter, and to appreciate that we ought not be hindered by the government in relation to getting to the

bottom of this. The people of South Australia deserve better, and this parliament ought to demand better.

The DEPUTY SPEAKER: I call the member for MacKillop.

The Hon. P.F. Conlon: Come on! This is a bloody disgrace. You people cannot keep a deal.

Mr WILLIAMS (MacKillop): In the spirit of helping the minister—

The Hon. P.F. Conlon: You will breach the deal, too.

Mr WILLIAMS: I will be very brief, and I will not go over things. There has been plenty of material that has not been canvassed, but allow me to read from the Labor Party's platform:

> Labor will lift standards of honesty, accountability and transparency in government. A good government does not fear scrutiny or openness. Secrecy can provide the cover behind which waste, wrong priorities, dishonesty and serious abuse of public office may occur.

I implore the house to consider what the Labor Party put to the people prior to the last election, and compare that with the way in which it is behaving here today. This is an attempt at a massive cover-up, and this government is running scared, and the people of South Australia merely have to ask why.

The Hon. P.F. CONLON (Minister for Transport): I will use the five minutes left to me (kindly by the opposition) to place on the record that people who come into this house and talk about standards and backflips—

An honourable member interjecting:

The Hon. P.F. CONLON: No, you just be quiet and listen, because what happened was this—

Mr Goldsworthy: We don't have to listen to you.

The Hon. P.F. CONLON: Yes, you do. What happened was this: my office spoke to Dean Brown, Michelle Bertossa spoke to Dean Brown, and agreed 45 minutes each. She then followed up with Leslee Robb, with a person listening, and agreed 45 minutes each. They want to talk about the member for Chaffey—they cannot keep a deal that they made the same afternoon. And they want to talk about standards. They do not have an honest bone in their bodies. Let me put this in context, all this absolute rubbish about corruption. They want to allege corruption on everyone. Here's what happened. The Deputy Premier took it to the Premier, and they took it to the Auditor-General. Subsequently, down the track—and that is an issue we are happy to look at, whether perhaps that process was not right—it went to the police and it went to the DPP. A police investigation and the DPP brought an allegation against one person—

Members interjecting:

The Hon. P.F. CONLON: —and the people they're slurring were called as prosecution witnesses. There has never been an allegation of corruption against them except in the dirty little minds of the opposition opposite. The dirty little minds; they are a pathetic opposition and they hope to get back to office by mere slurring. Dean Brown accused us of going back on our word. Now that's rich isn't it? Dean Brown accused us of going back on our arrangements but, in fact, what the Premier promised is what was delivered. He promised the same as was done with Motorola—terms of reference by a motion of the house. He promised consultation on the person appointed as an inquirer, which is going to happen. He also promised an inquiry that mirrored the terms of the Clayton inquiry in terms of powers and immunities, which is what is happening.

The only person who has gone back on his word is the Deputy Leader of the Opposition, who cannot keep a deal he made two hours earlier. Then he talks about how it is shocking that these people are being called. Let me tell you the difference: these people, after a police inquiry, after a DPP inquiry, were called as witnesses for the prosecution. When Dean Brown found himself in court it was not so good, but he does not want to remember that. When Dean Brown found himself in court contesting Mr Blakie, what did the court say? They said, 'Where the evidence of Dean Brown conflicts with Mr Blakie we prefer the evidence of Mr Blakie.' That was not said about any of the people who were witnesses to the prosecution. They all came up to proof. Their evidence was fine. The problem was that there was not sufficient evidence to maintain a prosecution.

The way in which they have dealt with this debate discloses the standards. If we want to talk about standards, we will do it further on the next bill. We will talk about Tim Anderson, how he did their independent inquiry, how it was buried and hidden, and how his good reputation was slurred in this place by the former premier. Then we will talk about Motorola. They were dragged kicking and screaming to any inquiry, and it was only through the support of Independents that there were any powers and immunities given to the commissioner. We will compare standards any time, any day, any place.

Let me get to the nub of this and I will close. This allegation—that is not supported by police inquiries or by the DPP—is that somehow there is corruption in the government. It is not supported anywhere. The opposition says that the Premier must have known. Well, the Premier must have been having a pretty off day when he knew he was involved and referred it to the Auditor-General. Let us be clear. This thing was brought to light by Labor. It was brought to light by a Labor Chief of Staff, a Labor Deputy Premier, a Labor Premier, off to the Auditor-General, and what did the Auditor-General say about this? In the report he says:

> Where there is evidence of criminal conduct, the matter must be referred to the police department.

In talking about dealing with Atkinson, Ashbourne and Clarke he said:

> My approach to dealing with this matter has been no different to that of similar matters that I have dealt with over past years. Any suggestion otherwise is utterly rejected by me.

So there you go. The Auditor-General did not think it should go to the police, but apparently we are corrupt if we agree with the Auditor-General.

Mr BRINDAL: I rise on a point of order, Mr Speaker. In summing up, it is incumbent on a minister to address the issues that have been raised and not debate new subject matter.

The Hon. P.F. CONLON: The former member for Unley, the candidate for Adelaide—or whatever he is doing at the moment—is torn between two places until he gets a better offer—

The SPEAKER: Order!

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

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

Motion carried.

The Hon. P.F. CONLON: I close by saying this: I will tell you one thing about the member for Waite—Pallaras's

job is safe, and so is Rob Kerin's. What a performance! Dean Brown has demonstrated a profound lack of any evidence to support the outrageous allegations he made. The Premier has done exactly what he promised to do, and Dean Brown is here verballing him. But the Premier has a good relationship with Dean Brown. He used to get a regular telephone call every week—and that started just after Dean Brown lost the leader's job.

The SPEAKER: Order! The time for the motion has expired, so the amendment will now be put.

The house divided on the amendment:

AYES (20)

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

NOES (22)

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

PAIR(S)

Hall, J. L.	Rann, M. D.
Brokenshire, R. L.	Ciccarello, V.

Majority of 2 for the noes.

Amendment thus negatived.

The house divided on the motion:

AYES (23)

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

NOES (19)

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

PAIR(S)

Rann, M. D.	Hall, J. L.
Ciccarello, V.	Brokenshire, R. L.

Majority of 4 for the ayes.

Motion thus carried.

[Sitting suspended from 6.14 to 7.30 p.m.]

TRUSTEE COMPANIES (ELDERS TRUSTEES LIMITED) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Trustee Companies Act 1988. Read a first time.

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

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

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

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

Motion carried.

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

That this bill be now read a second time.

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

Leave granted.

The purpose of the Bill is to amend Schedule 1 of the *Trustee Companies Act 1988* (the Act) to include Elders Trustees Limited.

Trustee companies evolved from the context of establishment of perpetual organisations to perform duties regarding trust and estate management, wills, probate and custodial services. This has expanded to include establishment of common funds, some of which are issued publicly, and undertaking corporate trustee activities enabled under the *Corporations Act 2001* of the Commonwealth.

A company must be authorised as a trustee company by inclusion in Schedule 1 of the Act. The following companies are currently included in Schedule 1:

- ANZ Executors & Trustee Company Limited;
- National Australia Trustees Limited;
- Perpetual Trustees Australia Limited;
- Perpetual Trustees S.A. Limited;
- Perpetual Trustees Consolidated Limited;
- Tower Trust Limited;
- Bagot's Executor and Trustee Company Limited;
- Executor Trustee Australia Limited; and
- IOOF Australia Trustees Limited (change of name to Tower Trust (SA) Limited).

Elders Trustees Limited has:

- the capacity, expertise and commitment to provide to the public traditional trustee services such as wills, probate and estate administration; and
- adequate capital, insurance and risk management systems commensurate with proposed activities; and
- ownership and capacity to discharge duties.

The company is a wholly owned subsidiary of Futuris Corporation Limited, which is listed on the Australian Stock Exchange. Futuris Corporation is described in its last annual report as a leading Australian diversified industrial with interests in agribusiness, automotive component manufacture, hardwood plantations and property. Futuris has about 160 subsidiaries, four operating divisions and employs approximately 6 700 people.

The financial performance of Futuris for the year ended 30 June 2004 included net profit after tax and minority interests of $23.8m. The financial position as at the same date included total equity of $961m of which $518m was contributed by its shareholders.

The amendment will authorise Elders Trustees Limited as a trustee company to, for example. act as an executor of a will or administrator of an estate, or to establish common funds, by inclusion in Schedule 1 of the Act.

I commend the Bill to members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Trustee Companies Act 1988*

4—Schedule 1—Trustee companies

Elders Trustees Limited is added to the list of trustee companies.

Ms CHAPMAN (Bragg): While the opposition had only brief notice of this bill, shortly prior to the party meeting this morning we received a copy of the Attorney-General's second reading explanation. Accordingly, we were able to discuss aspects that are the subject of this bill. Essentially, Elders Trustee Limited is a wholly owned subsidy of Futuris Corporation Limited, which is listed on the Australian Stock Exchange. We are not certain, from notice given by the government, why it is necessary for this to be advanced through the parliament at such a rapid rate. We would have appreciated some information in relation to that. We are proceeding on the basis that no commercial advantage would be inequitable as a result of this legislation. The opposition is making some inquiries on that matter at present and may have something more to say about it in another place. We accept on the face of it the government's indication that this matter requires urgent attention, and we will allow that to happen.

There is another important reason for allowing this to occur. When we come back for the next session, the Attorney-General may not be the Attorney-General. We will give him the benefit of the doubt of putting through this bill. It may be the last time that he has conduct in this house of a bill which follows through its full passage during the course of this week's sitting. With those few comments, I indicate that there will be no opposition from the opposition to this bill.

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

Ms CHAPMAN: Mr Speaker, I draw your attention to the state of the house.

A quorum having been formed:

SPECIAL COMMISSION OF INQUIRY (POWERS AND IMMUNITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 4 July. Page 3043.)

The Hon. R.G. KERIN (Leader of the Opposition): The opposition opposes this bill in its current form. As I spoke to the earlier motion, I will be reasonably brief now but will move amendments at the committee stage and have a bit to say then. The opposition feels very strongly about the fact that this bill and the earlier motion equal one big cover-up. What we have in front of us is some very serious allegations. There are many unanswered questions. There are significant discrepancies in the evidence given to both the inquiry by Mr McCann and also to the court. There are significant issues as to how appropriate the behaviour was by ministers and staff during the court case. For example, there has been no answer on who leaked the information in the DPP memo to the government to Randall Ashbourne's defence legal team. That is an issue of great significance. Basically the government has laughed off that this week.

How a confidential memo from the DPP to the Attorney-General within 24 hours can be in the hands of Randall Ashbourne's defence team is outrageous. That is one more question that needs to be answered, because the government is not forthcoming on how that happened. Earlier we saw the member for Chaffey (who is in the house at the moment) vote against an amendment which was word for word what she had previously agreed to and signed off in a letter to the Premier. Obviously the Independents do not care any more.

We are faced with the most restrictive terms of reference that one could imagine. The terms of reference scream two words—that is, 'cover-up'. They ignore the need for serious questions to be answered regarding the probity and the honesty of this government. We have heard the member for Chaffey say that she is consistent. Is being consistent signing a letter to the Premier and then voting against your exact words?

The Hon. M.J. Atkinson: How come you couldn't get on the TV, Kero?

The Hon. R.G. KERIN: Is being consistent insisting on certain terms of reference in the Motorola inquiry and not wanting the same here? Sir, the Attorney-General is chiding across the chamber about not being on the television news tonight. The Attorney-General basically puts media appearance way ahead of his job. He puts interfering in councils way ahead of his job. He puts interfering in union elections way ahead of his job—

The Hon. M.J. ATKINSON: Mr Speaker, I rise on a point of order, that being the relevance of local government elections and union elections to the bill before the house.

Mr Scalzi interjecting:

The SPEAKER: Order! The leader should focus on the bill before the house. The Attorney should cease interjecting.

The Hon. R.G. KERIN: I think it is relevant. Today, the Attorney pulled a stunt in this house of attacking one of the state's senior legal officers to detract attention from the fact that this inquiry was happening today. As the state's senior legal officer, that is yet one more example of the fact that he is not focused on his job. He is more focused on causing trouble in Charles Sturt council, Port Adelaide council and whatever than doing the job that he is paid to do. That is very much the crux of why and how this occurred in the first place. It is about ministers and advisers doing things which are totally inappropriate. It is not what they are paid to do. Randall Ashbourne was not doing what he was paid to do, and the Attorney has brought that to an absolute art form.

Going back to stashed cash affair, the Attorney could not remember a thing, yet he had time to interfere in the SDA elections at the same time that he should have been getting across what turned out to be the stashed cash affair, where he was proven to be very negligent in his duty. I back what the unions say—I have always been a fan of the unions. Four unions have come out in concert calling for (I think the secret code was) the member for Enfield to step forward and sit over there where the current Attorney-General sits, and the member for Croydon ought to go back to Croydon and leave the member for Enfield to do his job. Many are very disappointed with the fact that the Labor National coalition is no longer. Until today, we thought it was a coalition between the Labor Party and the National Party.

With the member for Chaffey voting against what she signed in a letter previously, I think it well and truly reaches the point of its no longer being a coalition but they are in it together. The Labor Party and the member for Chaffey are one. If the amendments we will be moving are ignored, we

will simply have a popgun inquiry into process and an absolute continuation of a cover-up into the significant issues which are in question in this particular inquiry.

The government, when confronted with the initial claims of corruption, closed the doors and held a secret inquiry. That inquiry has since been discredited, and it was discredited because it was an absolute cover-up. The government was embarrassed when we raised in the house the fact that there had been an inquiry, but that inquiry was based on very significant and serious allegations, and it had not made it public at all. The government kept it from the Solicitor-General; it kept it from the parliament; and it kept it from the people of South Australia.

Now we have the McCann report—or most of it—in which we find very serious allegations that go right to the heart of probity and honesty of a government. There are many unresolved issues. What we have seen is an absolute messy process where evidence has been constantly contradicted. We have seen the contradiction between the Attorney and his own staff. We have also seen the contradiction in evidence between the Attorney and Randall Ashbourne, a senior adviser to the Premier. There are very serious questions, namely: was the Attorney right or was George Karzis, his adviser, right? Was the Attorney right or was Randall Ashbourne right?

They cannot both be right, because Randall Ashbourne is saying that what the Attorney is saying is not correct. What George Karzis says the Attorney says is not correct. Someone is getting it wrong. Someone has a shocking memory. These are issues of great import. This is not asking what colour shirt someone was wearing three years ago, which is a little bit of the Motorola inquiry type stuff. These are very significant issues of probity and honesty of government. If the Attorney's memory is that bad he should quit, because he is incompetent. Either he is incompetent or he has not been doing the right thing.

This house tonight can either commit a huge act of cover-up or it can support my amendments. If members oppose my amendments, they are part of that cover-up. The people of South Australia, especially at this time when the justice system is under attack from its own government, deserve much better. I ask the house to reject being part of what is becoming an absolutely huge cover-up.

Dr McFETRIDGE (Morphett): I will not keep the house long. I will read into *Hansard*, though, the editorial appearing in today's newspaper. I think it is worthwhile doing so.

An honourable member: Table it.

Dr McFETRIDGE: I am happy to table it, but I will also read it. Everyone should read this. Hopefully, *The Advertiser* will not only have it as its editorial but also place it on the front page, because this is the first political corruption inquiry—

The SPEAKER: Order! The Attorney has a point of order.

The Hon. M.J. ATKINSON: I rise on a point of order, sir. Consistent with the opposition's attitude to tabling documents, will the member for Morphett table the entire—

Dr McFetridge interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: —*Advertiser*, because there are other parts of it that I would like to read.

The SPEAKER: Order! The Attorney will resume his seat.

Mr Scalzi: He will next year, when he is minister.

The SPEAKER: Order!

Dr McFETRIDGE: Thank you, Mr Speaker. I am rather pleased—

The SPEAKER: Order! The member for Morphett will resume his seat, too.

Mr Koutsantonis interjecting:

The SPEAKER: The member for West Torrens seems to have become the member for East Torrens. He needs to go west, back to his own seat, and not interject; and if he thumps the table he will be dealt with by the chair. The member for Morphett.

Mr WILLIAMS: I rise on a point of order, Mr Speaker. My understanding of the standing orders is that it is disorderly to make frivolous points of order. There is no provision in this house for a member of the opposition to table a document. Therefore, I believe that the point of order raised by the Attorney is frivolous, and I think that he will continue to do that if he is not called to order.

The SPEAKER: Order! I remind members that when they take a point of order they do not have to give a lengthy speech. It is a point of order. The member for Morphett cannot table the newspaper. It is a frivolous point of order. Members can table only statistical—

The Hon. R.G. Kerin: We are willing to table whatever they ask for, sir.

The SPEAKER: There is no tabling of that. Members know that the tabling of statistical information is by leave of the house. The member for Morphett.

Dr McFETRIDGE: I have a copy of today's *Advertiser* here, and the form guide is in there for the Attorney-General. He can have the whole lot if he likes. I will read the editorial, because it is worth listening to. The editorial, which is titled 'Transparency vital to the Ashbourne case', states:

> The state government has predictably insisted, in the face of widespread criticism, that the judicial inquiry into the so-called Randall Ashbourne affair will be conducted in private. The outcome will be released but the public, and the media, will have no access to evidence which led to those findings. It will be like reading the scores of a cricket match without being told who made the runs or who took the wickets. This does not necessarily mean the inquiry, which will focus on process, will be manipulated or that outcomes will in some way be distorted. But without accountability and transparency, the result will always carry the stench of a cover-up.
>
> When people are denied legitimate information they cling to rumour and innuendo. While the government will argue that a closed inquiry will encourage witnesses to be frank in providing evidence—as in the Motorola inquiry—it may unfairly stain the reputation of others who become the victims of ill-informed chatter or malicious gossip.
>
> Mr Ashbourne was acquitted of charges that he improperly used his power or influence to secure or facilitate a benefit for former deputy Labor leader Ralph Clarke.
>
> But further questions have been raised about the whole affair by the release of an internal government inquiry into the case which was ruled inadmissible in Mr Ashbourne's trial and until yesterday had been kept secret. What else has been kept secret? What else will be kept secret? The government was quick to set up an open royal commission to investigate the Eugene McGee case after the lawyer was fined and had his licence suspended when he failed to stop after a fatal accident. The Ashbourne case is politically far more sensitive. There is always the possibility that something will emerge to embarrass the government.
>
> This is precisely why the government wants a closed inquiry. And precisely why the inquiry should be open to the public.

I cannot agree more with that editorial. This government needs to have an inquiry that is open to the public.

Mr WILLIAMS (MacKillop): This is an attempt by the government to protect itself, to cover its back, to cover its tracks and to make sure that the truth is never seen by the

people of South Australia. That is what this is about. I read out earlier from the Labor Party's manifesto at the last election: 'A good government does not fear scrutiny or openness.' This government is absolutely petrified of scrutiny, so much so that it has spent $5 million a year buying two votes from the Independent members, putting them into the cabinet and supplying them with ministerial officers. That has cost taxpayers $5 million a year so that the members for Chaffey and Mount Gambier will support this sort of cover-up.

I heard the member for Chaffey on ABC radio this morning saying that she was being consistent with what occurred previously in this house and the way she voted then. Let us just revisit it, because I think the member for Chaffey has lost her comprehension of the difference between the powers of the inquiry and the terms of reference of the inquiry. That is where she has become confused. The powers of this inquiry are probably not dissimilar to what occurred previously in a number of inquiries, which the then opposition, with the help of the member for Chaffey, when she was nominally independent and the member for Gordon, when he was nominally independent, forced on the previous government.

The terms of reference go nowhere to getting to the questions that the people of South Australia will continue to ask until this government comes clean. As much as the minister, the Attorney-General and the Premier can fulminate on this, the people of South Australia will want to know what is happening. As my colleague has just read out, this morning the editor of *The Advertiser* was absolutely correct: there is a stench over this issue. There is a stench over this government and, like a boil, until it is lanced, the stench will linger. I say to the minister opposite: be it on his head if he continues to try and cover this up. Also, as I read out earlier today, in its manifesto the Labor Party states:

> Secrecy can provide the cover behind which waste, wrong priorities, dishonesty and serious abuse of public office may occur.

That is just what we are seeing here—secrecy of the highest order. What is this bill proposing to do? It is proposing to set up an inquiry just to look at some processes. We know the processes were flawed; everybody knows that. That is why we ended up with a court case. Everybody knows that. That is why, when it came to the attention of the opposition, and we raised this matter, the government had to retrace its tracks, and had to work diligently to try and cover this up, to try and smear the truth, and hide what actually happened. We know the process was flawed. Why would we want to have an inquiry, and what will that satisfy in the minds of the taxpaying public of South Australia? All it will do is confirm what we already know, and that is not even in question. What we really do need to do is to get to the bottom of in this inquiry is what we do not know.

There is now a large body of material before us which begs questions. There is a large number of issues the answers to which we do not necessarily know. We can make assumptions. May I draw the parallel between the way the government is handling this issue, which is about its own propriety, and the way it handled the issue of Eugene McGee. When it saw a political score for itself it rushed out and formed a royal commission. But when the question is asked about the propriety of this government, its senior advisers and its senior ministers what does the government do? It wants to set up a secret, internal, behind closed doors inquiry with very, very narrow terms of reference that will ensure that the inquiry does not ask any of the questions, the answers to which the taxpaying public of South Australia, the voting public, want to know. All it is going to do is address the issues, as I said, that we already know.

The process was flawed. Why was the process flawed? In the first instance, the government wanted to hide the whole mess. It went into denial. It wanted to say, 'This never happened.' But the government was half smart enough to say, 'We'll have a couple of little internal inquiries, and if luck is on our side nobody will ever know about it, but if the opposition finds out about it we will be able to stand up and say, 'Oh, we had an inquiry; we gave it to the Auditor-General'—no less than the Auditor-General, the person the minister said was the independent watchdog. I might be mistaken, but the Auditor-General's job—he's the bookkeeper. He's got a green pen and he goes through the books and he checks what is happening.

The Hon. P.F. Conlon: You'd better ask Ingo about that; you'd better ask Joan Hall about that.

Mr WILLIAMS: That doesn't necessarily make it right, minister. The Auditor-General's function is one of a financial nature. It is not about whether laws have been transgressed. We have a police department, as we are often reminded by these people opposite; we have Crown Law; we have senior law officers; and we have the Director of Public Prosecutions. We have a whole range of people whose job is to see and protect South Australia is against law-breakers. This is what happened here—law-breaking and corruption. You do not bring in the accountant to say whether somebody has broken a law, unless it is a tax law, and this is not a tax law.

This has nothing to do with taxation; it has nothing to do with expenditure dollars. It is about fundamental lack of propriety by this government. This government wanted to hide behind the Auditor-General, and say, 'Here we have the Auditor-General, he's the independent watchdog.' That one cuts no mustard with me. If it was a matter of finances, fine, but where was the Solicitor-General? Where was Crown Law advice? When they were eventually forced to go to the right source of advice—eventually, and we are talking more than a few months—they went to Crown Law, they went to the Crown Solicitor and they got the correct advice: 'Take this to the police,' and that is where it went.

The Hon. I.P. Lewis interjecting:

Mr WILLIAMS: The member for Hammond brings in the Solicitor-General, so there is another person. However, my understanding is that there might have been a conflict there. Notwithstanding that, they tried to hide by consulting the wrong person for advice. A number of issues were raised in the material that was tabled in the house yesterday. In a letter to the Premier on this very matter, the Auditor-General said:

> I have reviewed the material made available to me with respect to the abovementioned matter. . .

So, he reviewed the material: he did a desktop audit. Doing desktop audits is his job, by the way. How on earth can he come out and say, 'You're in the clear, boys?' All he did was a desktop audit of the material given to him by the guys who were being judged—the guys this was all about. How was he to know that he had all the material? Did he go out and interview people? I and everyone in South Australia know one thing, and that is that he did not re-interview Ralph Clarke, and we will come back to that in a minute. He said:

> In my opinion, the action that you have taken with respect of this matter is appropriate. . .

He then goes on to say that running these courses—the briefing sessions—will ensure that this will not happen again. That will make sure what does not happen again? If there was nothing there, why would he be saying, 'Make sure it doesn't happen again.'? Obviously, something did happen. We found out in question time today that, if there was that one briefing session, there certainly has not been one since. We know the turnover ministers have had in their offices, so we can safely assume that a large number of people who are currently working for the government in ministerial offices probably have not been through one of these briefings. So, there is an issue there. Why did the government go to the Auditor-General? I think we know the answer to that. We need to tidy up that process, and the bill before us may help us some way down that path—not answering the question of why they went there.

The Premier wrote a letter of admonishment to Randall Ashbourne and, amongst other things, he said:

> You must take care not to mislead people, even unintentionally, into thinking that you are acting with my authority or the authority of any other minister. . .

That begs the question: what action was he taking? What action was he admonished for when he was misleading people into thinking he was operating with the Premier's imprimatur? I do not know. That is one of the questions that goes begging. We do know from the Premier's letter of admonishment to him that there was some action that upset the Premier.

Ms Chapman interjecting:

Mr WILLIAMS: Yes, he was sent along to be reprogrammed; I do not know that it has actually worked. To cover his tracks, the Premier then wrote to Warren McCann and asked him to undertake a study into this matter. In his letter, amongst other things, he said:

> Mr Ashbourne claims that he did not make any direct offer of employment or a Board appointment to Mr Clarke.

This is the Premier informing Warren McCann that Mr Ashbourne claims that he did not make any direct offer; that implies that he made an indirect offer. That goes to the nub of this whole debate. I do not think anyone in this place would believe that there was not at least an indirect offer made. In file notes made in the Treasurer's office, I think, the same statement is made. It states:

> Randall [Ashbourne] said that he did not directly offer a Board position to Ralph Clarke.

What did he do? He did not 'directly offer'. At another meeting, a half an hour later, the same thing is stated, and, at this stage, Michael Atkinson was at the meeting:

> Randall told the meeting that he had not directly offered Ralph Clarke any Board appointment.

It goes on to say:

> The Treasurer expressed a view that the best course of action was for there to be a proper investigation. . .

He is referring there to the McCann investigation. Once a few crown law officers were in the picture, they immediately said, 'This is not proper. It has to be handled by the police.' The really good bit of evidence coming out of these file notes of meetings that were taking place is what Cressida Wall said in the meeting on 20 November 2002, as follows:

> Cressida told me that Randall had said, 'I took the view some time ago that it would not be good for the Attorney-General of this State to be in court and to be cross-examined.'

This was with regard to the Attorney being in court in relation to the defamation case against Ralph Clarke. Randall Ashbourne obviously had in his mind that it would not be in the interests of the Labor government for the Attorney-General to be in court under cross-examination. Why not? One thing I do know about the Attorney is that deep down I believe the Attorney is honest. I do not think the Attorney would have liked standing in a court of law having to defend his position, because it would have been very embarrassing. The transcript goes on:

> He then said that as part of the settlement we have agreed to offer him—

he is talking about settling the case out of court and stopping the court case—

> some board memberships. Cressida asked 'Does Mick know about this?' Randall said 'Yes—obviously the Boards' memberships couldn't come from within the Attorney-General's portfolio so they'll have to be found elsewhere in government.

It goes on:

> Cressida said that Randall had told her that Ralph will expect 'at least one [Board appointment] sooner rather than later.'

And on it goes. We go to the matter where Warren McCann is interviewing Randall Ashbourne and it is the same thing. He is handed—and I presume it is the document that I have just quoted from—an extract, and Mr Ashbourne says, 'Is this with Ms Wall?' 'Yes,' says Warren McCann. In answer to 'Is it accurate?' Ashbourne says, 'That is generally true.' So, he agrees. We have two people, Cressida Wall and Randall Ashbourne, in transcripts, agreeing that what I have just read out actually happened. So, there is no doubt in my mind that the case has been made, that even if direct board positions were not offered—if they were not offered in an overt way, there is no doubt in my mind that they were offered in a covert way—and this inquiry will never find that, in the way that the member for Chaffey and the member for Mount Gambier are going to let this government proceed.

That is why it is absolutely imperative that the last piece of the jigsaw has to be asked the questions, and that is one Ralph Clarke. Who has spoken to Ralph Clarke, and who has interviewed him? Not Warren McCann, not the Auditor-General, and not even the Director of Public Prosecutions it seems. Why not? Why was Ralph Clarke not in the court case? Why was he not subpoenaed? I will tell you why: because he said that he would not give evidence. Why would he not give evidence? Because if you give Ralph Clarke the opportunity to give evidence under the terms of a royal commission, I think you will find that he will give evidence. But my understanding of what took place here is that not only are senior members of this government, and senior advisers of this government, involved in corrupt practices, but if Ralph Clarke came out and told the truth he might find himself before a court with something to answer to. That is my understanding of what is happening here. The terms of reference, and the way in which this inquiry has been set up, are specifically to ensure that Ralph Clarke's evidence will never be heard.

That is the problem, and that is where the member for Chaffey and the member for Mount Gambier have got it wrong. That is where they are failing to hold this government accountable. When this government was first formed, the member for Mount Gambier came out and said, 'I will support this government so long as there is no corruption.' The member for Mount Gambier is so comfortable—he is not only supporting, he is now riding around in a big white limousine on a minister's salary—that he is going to ensure that we never find out that there is corruption within this

government. That is what is happening here. His friend, the member for Chaffey, is doing exactly the same. This is not an inquiry, this is a Clayton's inquiry.

I see that my leader has put on file some proposed amendments. I recommend, and I hope, that the house will accept those amendments because that will give us an inquiry that will get to the bottom of this. As this government said in its manifesto, 'A good government, and a government that is not afraid to be scrutinised will not mind being inquired into.' The only reason that the government would not accept the amendments from the Leader of the Opposition is because it is too damn scared to have its affairs looked into, and that is what we are doing here today. We are locking this away so that the people of South Australia never get to hear the truth.

Time expired.

Mr HAMILTON-SMITH (Waite): This is a very sad occasion because the house knows, and the people of South Australia know, that this Special Commission of Inquiry (Powers and Immunities) Amendment Bill 2005 is nothing but a sham. It is a sham constructed and conceived by this government, led by the Minister for Infrastructure and the Leader of the Government in the house. The terms of reference have been constructed for one purpose alone, and that is to ensure that the government does not face scrutiny, and that the government is not required to be open and accountable. That is why we are here debating this bill, and that is why we were here earlier debating the motion that referred this bill to us. I said then, and I will repeat to the house that this is a bill about corruption and power. This is straight out of a book, this is straight out of a novel, it is straight out of a movie script.

The Premier's right-hand man, and most trusted confidant, Randall Ashbourne—the man who designed and went behind closed doors with the Premier and other senior ministers to stitch up the deal with Peter Lewis at the change of government that delivered power to this government—this man before the courts facing charges of corruption. Guess what? There was not enough evidence to convict Randall Ashbourne and to send him to gaol. Well, guess what? There was not enough evidence to appropriately convict McGee, and to send him to gaol as well. There was not enough evidence initially appropriately to convict Nemer and to send him to gaol. It really raises questions about the process here. The government was very quick to jump to a royal commission in the case of McGee, but what do we have in response to the failed Ashbourne prosecution? We have this bill, and this bill attempts to con the people of South Australia into believing that there will be a credible inquiry into what has gone on here.

As my colleagues have pointed out, there are so many unanswered questions here that the constituents and taxpayers of South Australia have every right to wonder as to whether or not they are being governed by a government of integrity, a government of character, and a government of honesty. They have every right to doubt that. Who knew what and when? The inconsistencies in what we have before us so far are absolutely striking. As I said earlier, we have the most amazing transcripts of interview between the senior public servant in this state, and Mr Randall Ashbourne, and others, about what went on.

We know that Ashbourne has said many times, not only in his interviews with McCann but also in the court, that he spoke to the Attorney about these offerings of board positions on numerous occasions. In fact, quoting from his evidence to the senior public servant Mr McCann, when asked 'When did you have discussions with the Attorney-General?' he answered, 'Initially one, way back then; two in the last two weeks.' 'So, after each discussion with Ralph you spoke with the Attorney-General? 'Yes, I reported back to him on what went on.' 'And did you say to the Attorney-General that if rehabilitated then we could introduce the idea of future appointments?' Ashbourne answers 'Yes. His [the Attorney-General's] view was that he would never give Ralph anything, but certainly it was put to him.'

And it goes on. There is explanation after explanation pointing to the fact that Ashbourne had regular discussions with the Attorney about this. Then we have the *Advertiser* reporting from the court the Attorney-General's adviser Karzis saying 'Yes, of course, we sat around the table, the Attorney, me, Ashbourne, and we discussed these issues.' And I think it was words to the effect that the Attorney-General sat back and looked stunned at the discussions. We have Karzis, we have Ashbourne and we have the Attorney all giving totally different accounts of who said what to whom. As I said earlier, someone is not telling the truth. Someone is lying. Is it Ashbourne? Is it senior adviser Karzis? Is it the Attorney-General? It is two against one: Ashbourne and Karzis are saying that the Attorney knew all about it.

The Attorney is the one saying, 'I knew nothing.' Why does this sound familiar? I recall the stashed-cash affair and I recall Kate Lennon saying that she told the Attorney on numerous occasions about stashed cash, and what was the Attorney's answer? 'I know nothing.' Of course, the only other person present was Andrew Lamb, his chief of staff. We are still waiting to see the statutory declaration that he is supposed to have signed as the only other witness present to confirm the Attorney's version. Interestingly, Andrew Lamb has apparently vanished from the Attorney's staff. He has apparently gained a job in the private sector. He has fled: as have so many of the people in this transcript from the McCann report.

There is a pattern emerging here, with all these people saying that the Attorney was in on things and him denying it. There was the stashed cash: now we have the Ashbourne corruption matter. No wonder we have unions all around the state jumping up and saying, 'Don't solve the problem: sack it; get it out of the government, it is a festering sore. Get it out of here.' I understand that the minister bringing this bill into the house is pretty pally with those four unions. I understand that they are supporters of his faction. Maybe I am wrong: perhaps he can straighten me out. Maybe he is in a different faction. But certainly, listening to the names that were put forward as potential Attorneys-General by the unions concerned, his name was one of the first mentioned, so what is going on here? Who is up 'he' for the rent?

The Hon. P.F. Conlon: Can he come somewhere near the point?

The SPEAKER: Order! The member for Waite needs to address the power and immunities aspect of this bill and should not re-canvass matters covered in Notice of Motion No. 1.

Mr HAMILTON-SMITH: Thank you for your guidance, sir. This bill is about an inquiry to find out whether senior ministers or the Premier—who, after all, was the minister to whom Ashbourne, his right-hand man, reported—knew of these matters. The government would have us believe from this bill and from the terms of reference linked to it that there is nothing to hide. The opposition simply says: if there is

nothing to hide, why would we not insist on terms of reference that reveal all, terms of reference that ensure full openness and full accountability? And there are precursors to such terms of reference. I refer in particular to the inquiry to report upon allegations by the opposition, by this minister, actually, when he was in opposition back in 1988, that the then Minister for Industry, Manufacturing, Small Business and Regional Development misled the parliament on 21 September 1994.

The then Attorney-General Trevor Griffin in his statement to the house on 10 December made the point that one of the terms was: 'if any of the statements referred to above are found to be false or misleading.' This minister was very vociferous when in opposition in arguing for that term of reference, but it is not in this bill. It is not there. The Independents, who insisted that it be there, strangely have gone missing. Let us look at the second software centre inquiry and the terms of reference there. Guess what: no. 2, 'to determine whether any oral evidence given to the Cramond inquiry was misleading, inaccurate or dishonest in any material particulars.' And who insisted on that? This minister, the one sitting over there reading a book, and the two Independents, the member for Mount Gambier and the member for Chaffey. Let us be open, let us be honest and let us be accountable.

It is amazing what $2 million worth of ministerial salaries, white cars and staff can do to temper one's appetite for openness, accountability and honesty. It is amazing what being in government can do to transform a minister's view of the world. When he was in opposition he was over here red-faced, puffed at the cheeks, calling for openness and accountability. 'Let's get on to them.' He was over there calling the previous government corrupt. He was getting himself kicked out of the house. He was full of rhetoric.

The Hon. P.F. Conlon: And I was right, wasn't I? I was right. He lost his job.

Mr HAMILTON-SMITH: No, you were not, because no-one ever accused Olsen or the previous government in court of being corrupt. However, this government's Premier's senior adviser has been arraigned on that very charge—the first one ever made. You are the government that has been charged with corruption. You are the government whose senior adviser was charged with corruption. Never on this side! If this side had been charged with corruption, you would have been crowing from the top of every tall building in Adelaide. The 'fonlons' over there with their bare chests would have been screaming and yelling: that is where you would have been. But where are you now?

All of a sudden we have a bill before the house and terms of reference that are so wimpish that they are an embarrassment. The motion and the bill are about corruption and power. It is the greatest scandal that has hit this place in over 20 years. Never before has a Premier's senior adviser and most trusted confidant been charged with corruption—

The Hon. P.F. Conlon: And acquitted.

Mr HAMILTON-SMITH: Just like McGee; just like Nemer.

The Hon. P.F. Conlon: Nemer was not acquitted.

The SPEAKER: Order!

Mr HAMILTON-SMITH: That's true. Let us just say that Nemer and McGee got off—and the government was outraged.

The Hon. P.F. CONLON: On a point of order, sir, this is not relevant to the bill. However, I advise the honourable member that they were both convicted.

Members interjecting:

The SPEAKER: Order! The member for Waite will resume his seat.

Members interjecting:

The SPEAKER: Order! The house will come to order. The member for MacKillop, if he talks over the chair, will be named on the spot; and the Minister for Transport will be named if he is not careful. Members need to settle down and provide the member for Waite with the courtesy to which he is entitled, and hear what he has to say. The member for Waite.

Mr HAMILTON-SMITH: Thank you, Mr Speaker. The point I am making is that this bill stands in stark contrast to the measures argued by this minister in this government when he was in opposition. It stands in stark—

The Hon. P.F. Conlon interjecting:

Mr HAMILTON-SMITH: No, it's not exactly the same; that's not true. I have read into *Hansard* how the terms of reference for the previous two inquiries were so starkly different. As my good friend the member for MacKillop has drawn to the attention of the house, there is a reason—and what is the reason? They sit over there, the member for Mount Gambier and the member for Chaffey. They are the reason. They were principled and upright in the last parliament, but somehow their memories have failed them.

Well, I have news for the government. The Liberal Party will make sure that every household in Mount Gambier and Chaffey gets to hear about this duplicity. I remember that undertakings were given that, as long as this government was honest, accountable, open and forthright, it would enjoy the support of the Independents. My, how far we have come!

Let us look at some of the silly nonsense that has gone on. We need answers to the questions about whether senior ministers, the Attorney and the Premier have misled the parliament on any of the matters before us with this bill.

The SPEAKER: The member for Waite needs to address the bill before us, which is powers and immunities.

Mr HAMILTON-SMITH: Yes, I take that point, Mr Speaker. We need answers as to whether the powers and immunities in this bill are adequate to address the very serious matters that have been raised. We need answers on a range of issues, and we also need to reflect on the whole four years of this government. Here we are debating this bill—and why? Another fiasco delivered to the parliament by the Attorney-General. He already has had to stand aside on one previous occasion. We have had the stashed cash affair; we have had the stupid privileges reduction bill; we have had the DPP—

The Hon. D.C. Kotz interjecting:

Mr HAMILTON-SMITH: That was a brilliant stroke: they certainly got Elliot Ness. I bet that is lauded. That was a terrific move. That was fantastic—but hasn't that come back to bite us. And now we have the pitiful spectacle of the Attorney trying to bash the DPP over his wages in some desperate gambit to diminish his credibility. The senior legal officer in this state—

Members interjecting:

The SPEAKER: Order, member for MacKillop! The member for Waite keeps straying from the bill.

Mr HAMILTON-SMITH: Please excuse me, but with the minister as an example of someone who frequently strays from the point, I find myself impossibly influenced. It is a bill which does not go far enough—its interpretations, its application with regard to provisions in the Ombudsman Act and its power to require the attendance of witnesses. We will have an inquiry behind closed doors: no-one is to know about

it. They do not want *The Advertiser*, the ABC or anybody reporting what is going on.

Let us not have any openness or accountability, let us do it behind closed doors. This was the government that was going to come in and lift the bar. It is fine for it to criticise the Olsen government for having a closed second software inquiry, but it is doing the same thing. I thought it was going to come in and lift the bar. This was going to be a government that was so squeaky clean that we would all be sparkled to death. I am afraid not, Mr Speaker. It has gone straight back to the former government's defence—a closed inquiry. It is all included under clause 5 of the bill 'Obligation to give evidence'. Clause 6 says it all.

Who will be called? When you look at the terms of reference, it makes a mockery out of the requirement to give evidence. As the leader has pointed out, we are yet to hear from Ralph Clarke, the person who was allegedly offered these deals. We need to know who knew what. I find it totally unbelievable that the Premier—slick Mick, the man on top of everything—did not know what his senior adviser was up to on a nod-nod, wink-wink basis. Let us not laugh about the nod-nod, wink-wink basis, because when we look at the legal opinion that has been given to the government following the McCann report, we see that they say exactly that. Page 12 states:

> It may be that Ashbourne was, to use a colloquium, giving a wink and a nod to Clarke.

I might suggest that perhaps quite a bit of winking and nodding was going on between Ashbourne and the Premier and Ashbourne and the Attorney-General. We need to get to the bottom of that. I might be wrong. We do not know. We will only know if we get an inquiry with the powers and the terms of reference to enable it fully to investigate the matter. That is all we are asking for. The risk the minister takes—and the risk the government takes—if the government does not broaden the terms of reference is that we, this parliament and the public of South Australia will view the government as covering up corrupt and illegal activity. If that is wrong—

The Hon. P.F. Conlon interjecting:

Mr HAMILTON-SMITH: That is why we want an inquiry—to find out. That is why we have inquiries.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The member for Waite will resume his seat. The Minister for Transport needs to settle down. The member for Waite.

Mr HAMILTON-SMITH: Well, excuse me, but the DPP laid charges. This matter has been before the courts. This house is not the only place where accusations of corruption have been made. They have been brought before the courts, so do not sit over there and say that it is not a serious matter. It is the most serious matter that has been before the parliament in the past 20 years. A Premier's senior adviser and closest confidante has been charged with corruption.

We need to know the extent to which government was involved, for all the reasons mentioned. It is outrageous. If this government does not broaden the terms of reference, it stands condemned. There must be openness and accountability. If there is not, this government will ride the remainder of this year and 2006 as a tainted government with secrets in every closet. That is not something that should fill the people of South Australia with confidence.

The SPEAKER: I remind members that this bill is about powers and immunities: it is not about terms of reference, which was dealt with under Notice of Motion No. 1.

The Hon. I.F. EVANS (Davenport): This government is a government of deals. This government had its birth out of a deal with the member for Hammond; in making him speaker it delivered government to the current regime. Then we had the deal with the member for Mount Gambier that delivered him the ministry. We then had the deal with the member for Chaffey that delivered her a ministry. We have had the startling revelation in the past fortnight that the Attorney-General was trying to negotiate a deal with Nick Xenophon to take the Hon. Ron Roberts's spot—No. 4 on the Legislative Council ticket. We have had the member for Mitchell leave the Labor Party over these deals and its attention to media issues rather than matters of substance. Therefore, is it believable that one of the senior staffers, Randall Ashbourne, was trying to cut a deal with Ralph Clarke to bring him back into the Labor Party and to open the doors for more work and, indeed, government positions for Ralph? Given the deal-making nature of this government, it is believable that that is what was on the cards.

This government is a government of bullies. We remember the government bullying the Cora Barclay Centre. We remember the startling attack on the DPP by the Treasurer. We had the startling attack, again today, by the Attorney-General in relation to the DPP. We had the attack on the member for Cheltenham in relation to the disabled community. Then we had the Premier's second most senior staffer—certainly one of his senior staffers—Mr Alexandrides trying to heavy the DPP's office in a phone call which resulted in a memo from the DPP to the government saying that that office would not be bullied. That was in relation to a trial involving the first Premier's staffer, at which the Treasurer, the Attorney-General and the Premier were going to give evidence. It has to be a worry that a member of the Premier's staff would be involved with the DPP to the extent that the DPP's office is so worried that it has to write a memo of complaint to the government saying, 'Lay off the office,' in the middle of a trial about that very office.

I do share the concerns raised by others in relation to this particular matter. This is a government of secrets. This matter was held secret for seven months. It is interesting to note that, according to papers given to me tonight by table staff, the member for Mount Gambier became a member of Executive Council on 4 December 2002. Interviews about all these matters, including discussions about whether there were breaches of the Criminal Law Consolidation Act, were happening at that time. The records of interview were conducted around 21 and 22 November 2002. Only a fortnight later the member for Mount Gambier was appointed to Executive Council. I wonder whether this government told the member for Mount Gambier that this issue was behind the scenes.

Potentially, a crime was being committed and being discussed within government. Did they declare that to the member for Mount Gambier prior to his accepting a deal to become a minister? It is an interesting question. We need to ask: when did the member for Mount Gambier first become aware of this issue? Indeed, when did the member for Chaffey first become aware of this issue? This is indeed a government of secrets.

I speak in favour of greater powers—because the bill is about powers—because there a number of discrepancies need further investigation. In my view, the only way we will do it is to have a proper investigation. I wish to run through some of the discrepancies as I see them. These are from the

government's papers tabled yesterday. A file note on the attendance of the Premier, the Treasurer, Stephen Halliday, Randall Ashbourne and Sally Glover on 20 November states:

> The Treasurer advised that his chief of staff Cressida Wall had just told him that Randall Ashbourne had spoken to her and stated that there was a need to find some government boards for Ralph Clarke as this had led to him dropping an action against the Attorney-General . . . That it would help in keeping doors open to him as a lobbyist if he was not involved in legal action with the Attorney-General.

That would appear to me to indicate that, if he was not involved in a legal case with the Attorney-General, as a lobbyist he would gain more access to the ministry which would provide him more business opportunity. That needs to be tested.

The file note of 20 November at 12.45 states that Randall had told him that he would speak to Ralph Clarke—'him' being the Attorney-General. The Attorney-General has given statement after statement to this house and publicly saying that he thought that Randall Ashbourne was acting with the Premier's authority. It is clear, I believe, that that may not be the case; that it is hard to believe; or that it certainly needs more investigation. He said that, as part of the settlement—

Mr Koutsantonis: So, the jury is wrong. Go on, just say it.

The Hon. I.F. EVANS: No.

Mr Koutsantonis: Oh, you don't believe they were wrong?

The Hon. I.F. EVANS: I am not making any comment about the jury.

Mr Koutsantonis: Yes, you are.

The Hon. I.F. EVANS: I am making comments about why I think—

The SPEAKER: The member for West Torrens is warned.

Mr Williams interjecting:

The SPEAKER: The member for MacKillop is also warned.

The Hon. I.F. EVANS: It goes on to say that Randall says that on a number of occasions he had spoken to the Attorney about the matter. It does not lead in any way to the conclusion that the Attorney could have thought that Randall Ashbourne was operating with the Premier's authority. Indeed, it is pretty clear that he had to be operating with the Attorney's authority, because the documents make it clear that part of the discussion was about getting Ralph Clarke to drop a private defamation action against the Attorney and that, if the Attorney dropped his action, Ralph would drop his action and vice versa. Put yourself in that position, Mr Speaker. You are the Attorney-General; you are getting sued for defamation. Someone comes to you and says, 'If you drop your defamation action, Ralph Clarke will drop his defamation action.' The first thing you think of as the Attorney-General is, 'Oh, you must be acting on the Premier's authority.'

This is a private defamation. Why would the Premier be involved in trying to settle a private defamation? It makes no sense that the Attorney would come to the conclusion that trying to solve a private defamation somehow involved the Premier's authorising that particular action. But that is the defence. The defence is that Ashbourne was off on a frolic authorised by the Premier—that is what the Attorney-General thought. Personally I find that difficult to believe, and that is why the powers need to be broader: so that these particular matters can be dealt with.

We have heard on a number of occasions that the board positions were never discussed, but throughout the evidence the transcript shows that the possible board positions were discussed. The transcript shows that, at one stage, the Attorney indicates that he would not like to offer Ralph a board position. Clearly, there is a discussion which is different from the evidence that has been put before this parliament.

Coming back to the issue about opening doors, I refer to the transcript on attachment E of the government's own documents in which Randall Ashbourne says, 'I told him the reality is that, if he is a lobbyist, he cannot get the door open.' In other words, if you remain suing the Attorney-General, as a lobbyist there will be no doors opened to ministers. The implication is clear: that is, if you drop the case against the Attorney, we will open the doors so that you as a lobbyist can get access to the ministry. That is a direct benefit to Mr Clarke in that sense.

At another point the transcript states that 'Ralph at my meeting with him said, "If Ralph Clarke dropped action, would Mick?" I told him Mick said yes.' Clearly Ashbourne had had a discussion with Atkinson about this particular matter. Why would the Attorney-General think that Mr Ashbourne was acting on behalf of the Premier in a private defamation case? That makes no sense to me at all. When Mr Ashbourne was asked the question, 'Who within government or ministers' offices were aware that these discussions were taking place?', he said, 'Only Atko'. The Attorney has given evidence saying that the discussions did not take place. Then there is another quote from Mr Ashbourne and a question about government boards. The answer is:

> Yes—in the sense that you say you want to be rehabilitated because I believe he has talents and I can open doors to ministers.

He comes back to this point about being a lobbyist. What Ashbourne was saying is, 'Drop your defamation case, and as a lobbyist I will open the doors to the ministers.' It is clear that that was one of the intentions. It is clear that the Attorney-General was involved in discussions. Again I refer to Ashbourne's own transcript, which states:

> Q. When did you have discussions with the Attorney-General?
> A. Initially one way back when. Two in the last two weeks.
> Q. So, after each discussion with Ralph, you spoke with the Attorney-General?
> A. Yes, I reported back to him what went on.
> Q. Did you say to the Attorney-General that, if rehabilitated, then you could introduce the idea of future appointments?
> A. Yes.

It strikes me that there are too many inconsistencies about this issue not to have the broader range of powers, etc. Another question to Mr Ashbourne is:

> Q. Did the Attorney-General use his best endeavours?
> A. Mick said he would chat with others.

We need to establish whether the Attorney-General spoke to others. Did he speak to other ministers about this issue as the transcript will suggest? In the same note, Cressida asked:

> Does Mick know about this?

Answer:

> Mick did know about me trying to settle.

Clearly, there were discussions about that issue, and it is unbelievable that the Attorney-General should think that the Premier would send a staffer to settle a private defamation. That makes no sense to anyone in this chamber. I think we can all accept that point. That needs to be further examined. I note that we have been given a draft summary of the

Attorney-General's transcript of 22 November. Even at that point there is conflict, because, in this document, Mr Atkinson said:

> At no time did Randall canvass a possibility of Ralph Clarke being employed by the government, because if he had done so he would have been shown the door.

That is in direct contrast to what Mr Ashbourne has said previously on the transcript. The transcript further states:

> At no time did Randall canvass the issue of jobs for Ralph Clarke or anyone else for that matter. Indeed, Randall's principal purpose at the meeting was to persuade the AG to withdraw the legal action.

Why would you believe that was being done on behalf of the Premier? That makes no sense to me. I make the point that the members for Chaffey and Mount Gambier need to be able to guarantee to the house that none of the evidence given to the inquiry or to the house—to any of the inquiries—was misleading, inaccurate or dishonest in any material particular. If they cannot give that guarantee, they have a duty, I think, to vote for the broader powers. How do they know that they have not been misled themselves, unless they can come in here and give a guarantee that none of the evidence was misleading, inaccurate or dishonest in any material particular.

That is the guarantee that we seek from the members for Chaffey and Mount Gambier. Certainly, some issues cause me, as a member of parliament, some concern. I support the broader inquiry. It seems to me that the Attorney-General is developing a pattern of not remembering. It seems to me that the only thing that the Attorney-General remembers is what he has to forget, because every time you ask a question about a discussion with Randall Ashbourne the Attorney-General just says, 'Well, I have no recollection'—the sort of Carmen Lawrence defence.

That needs to be examined. People must ask themselves: is it credible that you are getting sued by your former deputy leader in what can only be described as a bitter factional dispute that went on for some years—

The Hon. P.F. Conlon interjecting:

The Hon. I.F. EVANS: No. Is it believable that Mr Ashbourne remembers the conversation, Mr Karzis (the Attorney-General's own staffer) remembers the discussion but the Attorney-General, who is not suing and not being sued, simply says, 'I have no recollection of that discussion.'? Is that credible? I put to members that I do not think it is credible. I do not think it is credible that your staffer remembers and that Randall Ashbourne remembers. Let us face it, how many times would the Attorney-General be sued for defamation, and how often would a staff member come to him saying, 'Have I got a deal for you. The guy that is suing you wants to settle. The guy wants to withdraw as long as you withdraw,' and you just do not remember it? It is not credible. The member for Waite said that the government was going to lift the bar of honesty. Well, it has lifted the bar and walked straight under it, in my view. As I say, the only thing that the Attorney remembers is what he has to forget. I believe that we do need the broader range of powers as suggested by others.

Ms CHAPMAN (Bragg): First, I indicate to the house that the opposition will be moving some amendments which I think have been tabled and which I will address in due course. In relation to the bill, clause 5 identifies the powers to require the attendance of witnesses, clause 6 relates to the obligation to give evidence and clause 7 relates to privileges and immunities. The problem with this bill, as has been outlined by a number of speakers, is as to the nature and extent of the powers and obligations granted. As I have indicated, I will be moving some amendments.

My second concern relates to an inquiry that has such a restricted term of reference (as has now been identified by the motion that was passed in this house earlier this evening) as to leave it with no benefit to the people of South Australia in terms of a resolution of these matters. I ask a number of questions in relation to matters which the opposition says should be put before the house and which should be given consideration by whomever is going to conduct this inquiry. There is the following question:

1. Whether the Premier or any minister, ministerial adviser or public servant participated in any activity or discussions concerning:

(a) the possible appointment of Mr Ralph Clarke to a government board or position; or

(b) the means of facilitating recovery by Mr Clarke of costs incurred by him in connection with a defamation action between Mr Clarke and Attorney-General Atkinson;

2. If so, the content and nature of such activity or discussions.

Unless that question is dealt with then, of course, we will not have any full understanding of what happened in the events at least between November 2002 and December 2002. The third question is whether the Premier or any minister or ministerial adviser authorised any such discussions or whether the Premier or any minister or ministerial adviser was aware of the discussions at the time they were occurring or subsequently. That is a matter that is covered in the debate and it relates to the inconsistency of evidence which merits that question being answered.

The fourth question is whether the conduct (including acts of commission or omission) of the Premier or any minister or ministerial adviser or public servant contravened any law or code of conduct, or whether such conduct was improper or failed to comply with appropriate standards of probity and integrity. That clearly follows on into the standards that are expected.

The fifth issue is whether the Premier or any minister or ministerial adviser made any statement in relation to the issues which was misleading, inaccurate or dishonest in any material particular. This aspect has been referred to by previous speakers and it is an aspect that was demanded by the member for Mount Gambier and member for Chaffey, as I am advised (and I think that is clearly on the record) in respect of the Motorola inquiry. They were very specific in having that included. I am still at a complete loss as to why those members have not presented in this debate some explanation why they have not called that into account under either this bill or the previous debate. It does show a level of inconsistency and, for the reasons I have previously detailed, it is a matter which ought to be explained to this house.

More importantly, it is an aspect and remains an aspect which needs to be answered in this inquiry. There is little point in having a comprehensive inquiry to ascertain what really happened in this case, who knew about it, when, and in what circumstances, providing those powers to attend to give evidence with or without immunity, unless that question is answered.

There are some specific aspects which clearly need to be answered. They are:

6. Whether the actions taken by the Premier and ministers in relation to the issues were appropriate and consistent with

proper standards of probity and public administration and, in particular:

(a) why no public disclosure of the issues was made until June 2003;

(b) why the issues were not reported to police in November 2002 and whether that failure was appropriate;

(c) why Mr Randall Ashbourne was reprimanded in December 2002 and whether that action was appropriate;

(d) whether the appointment of Mr Warren McCann to investigate the issues was appropriate;

(e) whether actions taken in response to the report prepared by Mr McCann were appropriate.

Again, there is no power to have these people come along unless we are able to have those questions answered, and for the person conducting the inquiry to do so. Further there is the question:

7. What processes and investigations the Auditor-General undertook and whether the Auditor-General was furnished with adequate and appropriate material upon which to base the conclusions reflected in his letter dated 20 December 2002 to the Premier.

That has already been commented upon. Again, the powers relate to that. Further:

8. Whether adequate steps were taken by Mr McCann, the SA Police and the Office of the Director of Public Prosecutions to obtain from Mr Clarke information which was relevant to the issues.

9. Whether the processes undertaken in response to the issues up to and including the provision of the report prepared by Mr McCann were reasonable and appropriate in the circumstances.

10. Whether there were any material deficiencies in the manner in which Mr McCann conducted his investigation of the issues.

11. Whether it would have been appropriate to have made public the report prepared by Mr McCann.

This is what was presented to us in the parliament yesterday. The appropriateness of that being released at the time or at all needs to be investigated. Further:

12. Whether Mr Ashbourne, during the course of his ordinary employment, engaged in any (and, if so, what) activity or discussions to advance the personal interests of the Attorney-General and, if so, whether any minister had knowledge of, or authorised, such activity or discussion.

13. Whether Mr Ashbourne undertook any and, if so, what actions to 'rehabilitate' Mr Clarke, or the former Member for Price, Mr Murray DeLaine, or any other person into the Australian Labor Party and, if so, whether such actions were undertaken with the knowledge, authority or approval of the Premier or any minister.

These matters are particularly pertinent to the powers for those to be called to give evidence. Further:

14. With reference to the contents of the statement issued on 1 July 2005 by the Director of Public Prosecutions, Mr Stephen Pallaras QC:

(a) what was the substance of the 'complaint about the conduct of the Premier's legal adviser, Mr Alexandrides';

(b) what was the substance of the 'telephone call made [by Mr Alexandrides] to the prosecutor involved in the Ashbourne case';

(c) what were the 'serious issues of inappropriate conduct' relating to Mr Alexandrides;

(d) whether the responses of the Premier, the Attorney-General or any minister or Mr Alexandrides or any other person to the issues mentioned in the Director of Public Prosecutions' statement were appropriate and timely; and

(e) whether any person made any statement concerning the issues referred to in the Director of Public Prosecutions' statement which was misleading, inaccurate or dishonest in any material particular.

15. Whether it would be appropriate in future to refer any credible allegation of improper conduct on the part of a minister or ministerial adviser (that has not already been referred to the police) to the Solicitor-General in the first instance for investigation and advice.

16. If the reference of such an allegation to the Solicitor-General would not be appropriate (in general or in a particular case) or would not be possible because of the Solicitor-General's absence or for some other reason, who would be an alternative person to whom it would be appropriate to refer such an allegation in the first instance for investigation and advice.

17. What action should be taken in relation to any of the matters arising out of the consideration by the Inquiry of these terms of reference.

All those matters require answers. In relation to the extent to which the powers are provided in this bill, even if the terms are more limited than the questions that clearly should be answered, we still need to ensure that those powers are there—that we have all the unanswered questions, and that we ensure that the full facts are revealed for the resolution of this rather tawdry matter, which has already stained the government. Clearly, this matter needs to be dealt with so that we can get on with government and our parliamentary duties and ensure that we provide at least an honest, accountable and transparent government. With those comments, I indicate that I will make some further statements in relation to the foreshadowed amendments.

The Hon. W.A. MATTHEW (Bright): I, too, rise with those members who have exercised a conscience in indicating that they are not prepared to support this bill without considerable amendment to ensure that it facilitates a correct and appropriate inquiry into matters that are tantamount to political corruption. We have before us a bill that is the consequence of what the Premier claims was some information that was put to him on 20 November 2002, when the Premier claims that he was informed of certain allegations concerning the Attorney-General and Mr Randall Ashbourne, who was then senior adviser to the Premier.

In a letter dated that same day (20 November 2002), the Premier requested that the Chief Executive of the Department of the Premier and Cabinet, Mr Warren McCann, undertake an urgent preliminary investigation into the matter to determine whether there were reasonable grounds for believing that there had been any improper conduct or breach of the ministerial code, or breach of conduct or standards of honesty and accountability embraced by government. Regardless of whether there was accuracy in the Premier's first finding of this information on 20 November 2002, clearly there was something before the Premier that was of sufficient concern for him to go so far as to have this investigation.

The point is that we in this parliament still do not know the extent or nature of information that was placed before the Premier. However, we do know that sufficient information was placed before the Director of Public Prosecutions and the police for a corruption trial to occur—the first political

corruption trial we have seen in this state. As a consequence—

The Hon. M.J. Atkinson: He was acquitted.

The Hon. W.A. MATTHEW: The Attorney-General interjects gleefully, 'He was acquitted.' However, while Mr Ashbourne may have been acquitted, it stands as a matter of public record that the jury did not get to hear all the evidence, and this parliament and the people of Australia certainly have not seen all the evidence. Of course, missing in action was Mr Ralph Clarke, a former Labor member of parliament, who was central to the allegations that had been made. He did not appear before the court. The jury did not hear him, and they did not have the opportunity of seeing him being cross-examined and hearing his statement. That is where the situation will continue to lie if this legislation goes forward in the manner that this government wants it to.

This bill is effectively an act to facilitate a special commission of inquiry by conferring evidentiary powers and immunities. However, what it will not do is facilitate answers to the questions that lie unanswered—answers to questions that this government is determined will not become a matter of public record between now and the next election. The government is acutely conscious that there are eight months and 13 days between now and the next state election. The government knows that, if it uses every tactic available to it to stall, it will avoid the sordid details of the truth of this matter being made public and the people of South Australian seeing what is occurring.

What we do know is that we have a government that has been born on deals—dirty deals done behind closed doors. What we also know is that the Labor Party became a coalition government after a deal was done behind closed doors by them with the member for Hammond, which deal, interestingly, was facilitated by the same Randall Ashbourne who was the subject of the corruption charges. We are led to believe by this government and by its Premier that the government had knowledge of what he was allegedly involved in to facilitate yet another deal—in this case, allegations of a deal with former Labor MP Ralph Clarke, who was in the midst of a court case with the Attorney-General to bring all that to an end and to bring Mr Clarke back into the Labor fold.

Curiously, despite the fact that members of the Labor Party and the now Premier had full knowledge of the deal in which Mr Ashbourne was involved to secure government, they claim to have no knowledge of the deal in which he was involved where charges of political corruption finished up being laid. I do not believe that any member of this parliament believes that Mr Ashbourne's actions did not involve the full knowledge of the most senior levels of this government. What we effectively have is dishonest collaboration by a corrupt government that will do anything to stay in power.

We have seen this mob involve themselves in a variety of deals to hang onto power. When they became concerned about strains in their relationship with the member for Hammond, what did they do? They entered into yet another deal—this time with the member for Mount Gambier. He was brought into their ministry, and the government expanded its ministry to do that. However, it came off the rails when the member for Mitchell took a stand of integrity and honesty in this house and said that he was not prepared to be part of the dirty deals in which this government was involved. To his credit, the member for Mitchell walked from the Labor Party because he was not prepared to be part of it. What happened then? They had to find another way of holding their sordid team together. So, enter then the member who covers the Riverland area. She, too, was brought in as a minister in this government. We know from their track record that they have form, that they are prepared to enter into deals, and that they are prepared to say whatever they want, to whichever group they might feed, whatever that group wants to hear. But then that group needs to look at the fine detail, because we know from this mob that what they say is not what they do.

So, in summary, we have seen the deal with the member for Hammond to gain government in the first place; we have then seen the deal with the member for Mount Gambier to stay in government; we have then seen a further deal with the member for Chaffey to stay in government, but they claim that they have no knowledge of the deal that was being done by Randall Ashbourne—an architect of at least one of the previous deals—to have Ralph Clarke drop defamation action against the Attorney-General, and to bring Ralph Clarke back into the fold. I do not buy it, no member of this side of the house buys it, most, if not all, of the members of the minor political parties do not buy it and, I know from discussions that I have had with a number of Labor backbenchers that they do not buy it either.

It is necessary for the full facts to come out and the only way that that is going to happen is through a much more detailed investigation. To help facilitate that, the opposition will be putting to this house a series of amendments that ensure the full facts will become known to the public. The issues that we will be seeking this investigation inquires into and reports on will include whether the Premier or any other minister, ministerial adviser, or public servant, participated in any activity or discussion concerning the possible appointment of Mr Clarke to a government board or position, or the means of facilitating recovery by Mr Clarke of costs incurred by him in connection with the defamation action between himself and the Attorney-General. If so, we seek that the inquiry will also examine the content and nature of such activity or discussions.

We seek that it will inquire into whether the Premier, or whether any of his ministers, or whether any of their ministerial advisers or other staff, authorised any such discussions, or whether they were aware of such discussions. Further, whether the conduct of the Premier, or any of his ministers, or their advisers, or any public servants involved within their agencies contravened any law or code of conduct; whether their conduct was improper or failed to comply with appropriate standards of probity and integrity; whether the Premier or any of his ministers or their ministerial advisers made any statement in relation to the issues that has been misleading, inaccurate, or, importantly, dishonest in any material particular; and whether action taken by the Premier and his ministers in relation to the issues were appropriate and consistent with proper standards of probity and public administration.

In particular, we believe that it is imperative that this investigation determine why no public disclosure of the issues was made until June 2003 when the Premier, by his own admission, was certainly aware—as was indicated in the second reading speech of this bill on 20 November 2002—why the issues were not reported to the police in November 2002 but instead an investigation was undertaken at the Premier's instructions (so he tells us) by his head of Premier and Cabinet, and why were these matters not referred to the police at that time? What was the government concerned about? Why was Mr Randall Ashbourne reprimanded in November 2002, and whether that action was appropriate, or should that matter have been taken further, particularly in

light of the fact that after police became aware of the matter—after the Director of Public Prosecutions assessed the matter—this became the state's first political corruption trial. Further, whether the appointment of Mr McCann to investigate the issues was appropriate; and whether the actions taken in response to the report prepared by Mr McCann were appropriate.

One thing that we know—and the government reaffirmed this in its second reading report to this bill—is that Mr McCann found, 'There are some inconsistencies in evidence.' Mr McCann endeavours to dismiss that by saying that, 'Further investigation would be most unlikely to change the findings. It would be expensive and unwarranted.' If there are inconsistencies, that in itself demands further investigation. The simple fact of the matter is that when we look at the information that has been put to this house—and it has been put to court—the Attorney-General, Mr Ashbourne, and the Attorney's former chief of staff cannot all be telling the truth because their stories are too different. That remains an issue of public concern that must be investigated as part of this inquiry. The parameters that have been set in the bill before us in unamended form will not allow the public to get the honesty and the investigation that is needed to have this put before them in the way that it should be.

We also believe that it is important that this bill facilitate an opportunity for investigation to occur into what processes and investigations the Auditor-General undertook, and whether the Auditor-General was furnished with adequate and appropriate material upon which to base the conclusions reflected in his letter of 20 December 2002 to the Premier that accompanied his report. It is important to also determine whether adequate steps were taken by Mr McCann, the police, and the Office of the Director of Public Prosecutions to obtain from Mr Clarke information which was relevant to the issues; whether the processes undertaken in response to the issues were reasonable and appropriate in the circumstances; and whether there were any material deficiencies in the manner in which Mr McCann conducted his investigation of the issues.

In canvassing this, we are not inferring that Mr McCann is in any way incapable of undertaking his duties, other than to say that investigations into such matters require experience. Mr McCann is a fine head of Premier and Cabinet but he is not, by profession, an investigative officer. It is important to ascertain whether there were any material deficiencies in the manner in which the investigation was conducted by Mr McCann.

It is also important to ascertain whether it would have been appropriate to have made public at that time the report that was prepared by Mr McCann; whether Mr Ashbourne, in the course of his ordinary employment, engaged in any activity or discussion to advance the personal interests of the Attorney-General—that is a very important thing the opposition insists on—and, if so, whether any minister had knowledge or authorised such activity or discussion. There is a range of matters in relation to Mr Ashbourne that need to be examined, particularly in light of comments by Mr Ashbourne as to actions that he took to rehabilitate disenchanted members of the Labor Party.

In particular, we believe it is important that an inquiry examine whether Mr Ashbourne undertook actions and, if so, what actions, to rehabilitate Mr Clarke or another former member of the Labor Party—the former member for Price, Murray De Laine—or any other person into the Australian Labor Party and, if so, whether these actions were undertaken with the full knowledge of or at the direction of the Premier. There is also concern that we believe needs to be assessed in relation to the contents of a statement issued on 1 July by the Director of Public Prosecutions, Stephen Pallaras QC.

The Hon. M.J. Atkinson: Here we go!

The Hon. W.A. MATTHEW: The Attorney might say 'Here we go.' This is the Elliot Ness that the government appointed. This is the fearless crime fighter that it brought to South Australia from Western Australia to tackle crime. This is the same man who has turned on the Labor Party, and it would be very interesting to hear his side of things, because it is becoming very obvious to all South Australians that there is a full-on brawl between the government and its Director of Public Prosecutions and that he is not happy with the dirty mob that he is having to work for. That is becoming very obvious.

It is important for us to have this inquiry ascertain, in relation to the statement by Mr Pallaras, the substance of the complaint about the conduct of the Premier's legal adviser Mr Alexandrides; the substance of the telephone call made by Mr Alexandrides to the prosecutor in the Ashbourne case; and what were the serious issues of inappropriate conduct relating to Mr Alexandrides. We must ascertain whether the response of the Premier, the Attorney-General or any minister or Mr Alexandrides, or any other person to the issues mentioned in the DPP's statement was appropriate and timely; and whether any person made any statement concerning the issues referred to in the DPP's statement that was misleading, inaccurate or dishonest in any material particular.

What I do know is that this DPP has rankled a number of members of the front bench of this government because he has had the guts to stand up publicly and take them on. And what has been his reward for that? The Attorney-General—someone who has a very big interest in the outcome of this legislation and the investigation—stands up in this house today and vilifies him on the floor of the chamber. It was a cowardly attack conducted within the parliament, not outside the parliament, simply because this man stood up publicly and took issue with this government. After the Attorney's actions today, it is even more vital that the Director of Public Prosecutions, Mr Stephen Pallaras QC, has the opportunity to appear before this inquiry and be appropriately questioned and examined.

It is also important that the inquiry determine whether it will be appropriate in the future to refer any credible allegation of improper conduct on the part of a minister or ministerial adviser to the Solicitor-General in the first instance for investigation and advice, in light of the concern that the government raised at the time about such a referral. If the reference of such an allegation to the Solicitor-General would not be appropriate or possible for any reason, who would be an appropriate alternative person? Further, what action should be taken in relation to any matters arising out of the inquiry under these terms of reference?

That is an extensive list, because this is a closed inquiry with limited terms of reference with one aim in mind: to be able to hold a lid on this mess for the government for the next eight months and 13 days so that its dirty, corrupt, sordid details will not be aired in public and so the public will not have the full details of what this mob does in the way it handles government. We are equally determined that this information is going to become public property because, in any democracy, the people have the right to know.

In the almost 16 years I have been in this chamber, I have witnessed a lot of attempts by political parties from all sides

to conceal things from the public, but this is the shabbiest attempt I have seen. Where this stands totally different from all other things that other members may raise is that in this case charges of corruption of public office were brought to the court.

The Hon. M.J. Atkinson: Just one charge, actually; just one. And he was acquitted.

The Hon. W.A. MATTHEW: The Attorney acknowledges: charges of public corruption. A court case was held where one of the prime witnesses did not even appear. It is vital that this inquiry examine all matters and that those matters become public. And the Labor Party may well say that he was cleared, but so was Eugene McGee.

The Hon. M.J. Atkinson: No, he was not! He was convicted, actually.

Time expired.

The Hon. D.C. KOTZ (Newland): South Australians have the right to have confidence and trust in the integrity and honesty of their government. No office within government is more important in terms of honesty, integrity and the pillars of government than the office of the Premier of the state.

The Hon. M.J. Atkinson: Hear, hear!

The Hon. D.C. KOTZ: I am glad that the Attorney-General said 'Hear, hear', because they are not my words. They happen to be the Deputy Premier's words when he spoke on Tuesday 23 October 2001 when we were talking about another little inquiry they had earlier in the piece. In this one instance I have to totally agree with the Deputy Premier because of his comments. It is exceedingly important that the people of this state and the institute of this parliament do have total confidence in the integrity of the office, not only of the Premier and the Deputy Premier but particularly of the Attorney-General. As the first legal officer in this state, it is extremely important. However, we have questions of corruption and dishonesty at the highest level of government, and these are the reasons for the bill before us tonight.

There are questions that have not been answered, and there are questions that have not as yet been asked. This is a government that has again been pulled screaming to the table to set up an inquiry that should have been initiated without the lobbying of the opposition or anyone else. The only disappointing part is that, when the government did pull up to the table, the bill which it presented, which we are debating tonight and which relates to powers and immunity could be most effective in determining the outcomes of any inquiry. Unfortunately, however, because we have terms of reference that are so ambiguous and so restricted, it is obvious that any outcome from this inquiry under those terms of reference will not be at all effective. I have listened to many of the contributions of my colleagues tonight and I compliment them all.

The Hon. M.J. Atkinson: And you agree with all of them!

The Hon. D.C. KOTZ: I compliment them totally.

The Hon. M.J. Atkinson: Oh, right!

The Hon. D.C. KOTZ: They have addressed all the issues that I would like to put on the record tonight. However, because we are coming to a later hour of the evening there are a couple of things that I must admit cut across my own curiosity in terms of the papers which were released to us yesterday and which show the effects of the Warren McCann report that has led us to a situation, again in the initial stages, where the government totally hid the events that eventually created charges of corruption—

The Hon. M.J. Atkinson: No, a charge—one charge. There was only one charge, and he was acquitted.

The Hon. D.C. KOTZ: —against—

The Hon. M.J. Atkinson: I don't know why you keep talking about charges.

The SPEAKER: Order!

The Hon. D.C. KOTZ: —the chief confidant to the Premier of this state. I would like to move to one of the letters that was part of the papers that were presented to us. In fact, it is the letter that the Premier himself wrote to Randall Ashbourne directly after the Warren McCann report had been brought down. I find that of great curiosity. The Premier in his letter refers to the Warren McCann report. He uses a quote from Warren McCann's letter to Randall Ashbourne, as follows:

> While Ashbourne's conduct did not constitute improper conduct or a breach of the code of conduct for public sector employees being standards applicable to ministerial advisers, his behaviour was inappropriate, involved serious lack of judgment and put at risk the integrity of the office of the Premier as well as the Attorney-General.

I refer members back to the Deputy Premier's comments in 2001 when he said:

> South Australians have the right to have confidence and trust in the integrity and honesty of their government. . . No office within government is more important in terms of integrity, honesty and the pillars of government than the office of the Premier of the state.

I cannot disagree with that, as I said. The Premier went on to state in the same letter to Randall Ashbourne:

> I hope you understand the seriousness of my concerns. I cannot and will not tolerate any further incidents or acts which potentially compromise the integrity of my government. . . In my view it is appropriate at this point to issue you with this reprimand and warning.

That was a very serious step for the Premier of this state to take against one of his own officers who was very, very close to him—his confidant, in fact. He obviously realised the import of the McCann report, which pushed the Premier to the point of issuing a reprimand and then a warning to Randall Ashbourne.

After that report, although it was seven months late in getting to him, the Crown Solicitor then suggested that criminal charges could be looked at—and that did happen when we got a charge of corruption against Mr Randall Ashbourne that was taken to the courts. What happened in court? What happened when this case got to court? That is where my curiosity has piqued. We have the Premier, the Deputy Premier and the Attorney-General all trotting into the court and speaking, unfortunately, from what appeared to be the same song book. It apparently appeared that poor Mr Ashbourne had been wrongly understood and, therefore, misunderstood by all three officers of this government. He had been misunderstood by the Premier; he had been misunderstood by the Deputy Premier; and he had been misunderstood by the Attorney-General.

That was clear in the court case, because it was at that point that the Premier, the Deputy Premier and the Attorney-General all agreed that poor Mr Ashbourne had not had the opportunity to explain that he had not actually been involved in these invidious endeavours that he was accused of, that it was just a total misunderstanding. Each of these three officers, holding these highest of offices in this state, in the court case all agreed that that was the situation: poor Mr Ashbourne had been misunderstood.

I find that quite incredible, because these individuals were now saying in court that Mr Ashbourne was not given the

opportunity to explain in the first instance that he had not really stated that he had been involved in a corrupt deal with Ralph Clarke, and, acting on behalf of the Attorney-General and possibly the Premier, he was not given the opportunity to make an explanation that he was not involved in corruption but was involved in rehabilitation only. Of course, my curiosity goes back to the fact that after the McCann report came down the Premier took a very significant step in reprimanding and giving Randall Ashbourne a warning. If Mr Ashbourne had been totally misunderstood and there was nothing with which to charge him, because the corruption case was no longer necessary—because all the officers in high office had decided that they had misunderstood him—

The Hon. M.J. Atkinson interjecting:

The Hon. D.C. KOTZ: No; the three officers—the Premier, the Deputy Premier and you, Mr Attorney-General—all said to the court that poor Mr Ashbourne had not been given an opportunity to explain what he meant. If that was the case, was the Warren McCann report wrong? Why did the Warren McCann report not pick up the fact that there was a misunderstanding in what Randall Ashbourne was purportedly charged with? Why did the Premier, the Deputy Premier and, particularly, the Attorney-General not know during all the months that it was under investigation? Why did it take comments in a court case at that time to suggest that poor Mr Ashbourne had really been misunderstood, and that he did not have any involvement in the horrible allegations put against him?

At the same time the question comes back, Mr Attorney-General, why did the Premier consider it was so important that a reprimand and warning had to be given? If there was no merit to the case or the allegations, why would the Premier take such a significant step in the first instance to issue a warning? I am afraid that under any employer's area nothing could be placed in such a situation as being careful. It has to be something significant that takes a reprimand and a warning. Again, I say that piques my curiosity for many reasons. It seems extremely circumstantial that suddenly, when the court case arrives, and the three—

The Hon. M.J. Atkinson interjecting:

The Hon. D.C. KOTZ: Mr Attorney-General, I am saying that you, the Premier and the Deputy Premier, nearly a year after all these events took place, suddenly decided that Mr Ashbourne did not under any circumstances do anything wrong. You all sang from the same song book. You all said exactly the same thing: no-one had allowed Mr Ashbourne to explain. What absolute and utter nonsense! You had the Warren McCann report, and you mean to tell me that Mr Ashbourne was not given the opportunity to explain; and, after that report, the Premier of this state issued a reprimand and a warning. We might look as if we are a few stooges on this side of the house, but I should not think that the people of South Australia would imagine that those particular circumstances were not part of a very set piece that ended up with the comments made by the three holders of the highest offices in this government when they got to the court case.

The Hon. M.J. Atkinson: No, Pat's got a higher office than I.

The Hon. D.C. KOTZ: That's too circumstantial for me.

The Hon. M.J. Atkinson: He's transport and infrastructure. He's a lot more important than I. He'll get a better job afterwards, too.

The Hon. D.C. KOTZ: Whom are you talking about now? Are you talking about Mr Ashbourne? Are you already doing another deal, Mr Attorney-General, so that something nice can come out of this for someone else?

The Hon. P.F. Conlon: Can you find your notes and stop flinging insults?

The Hon. D.C. KOTZ: Well, I had to make the insults while I found the notes! I started off by saying that this bill is as much of a farce as the terms of reference. The powers and immunities bill has absolutely no effect, unless there are decent terms of reference. The terms of reference we have here are just so pitiful that I cannot believe there was any intellect at all, other than playing political gamesmanship, to ensure that they were so restrictive and ambiguous that they would purely restrict any inquiry that was to be undertaken. Certainly, it was not an aim to find out all the questions that have been, and still remain, unasked and unanswered.

To prove a point, the first term of reference is whether that process was reasonable and appropriate in the circumstances. The process was reasonable and appropriate in the circumstances? If ever there was an ambiguous minimalistic term of reference. That must be a series of words that means absolutely nothing at all. The process is something that the government should be undertaking without going to an inquiry. It is not a matter of an inquiry of the process. It is something that they themselves need to understand and take remediation in their own actions.

The term of reference that really alarms me is No. 4: whether it would be appropriate in future to refer any credible allegation of improper conduct on the part of a minister or a member of a minister's personal staff that has not already been referred to the police to the Solicitor-General in the first instance for investigation and advice. I would think that all the circumstances and events that have occurred since this scenario was first found to have happened would have meant that the government itself would already have addressed that. That is not a matter for an inquiry to undertake: it is a matter for government itself to understand the nature of a credible allegation of improper conduct.

The government has all the resources and all the necessary departments, including the Crown Solicitor's office, to gain the type of legal advice, if improper action was to be undertaken by someone—and to recognise it. This is not a term of reference for an inquiry: this is one for government to undertake, and to understand that it needs to resolve its own problems. If any minister in this house does not fully understand the import of improper conduct and cannot define it as necessary to go to the Crown Solicitor or the police, they should resign their commission immediately. I believe that to have it in terms of reference is pushing your credibility to the point of extinction.

The Hon. M.J. Atkinson: They investigated it for two months—and then they recommended no prosecution.

The Hon. D.C. KOTZ: The outcome was that an officer very close to the Premier—in fact, the Premier's confidant—for the first time almost in the history of this state was taken up on a corruption charge. Ministers of this government, particularly the Attorney-General, if they were following protocols, had a conscience and understood the responsibility of their own position, would have stood down while all this was occurring.

The Hon. M.J. Atkinson: I did stand down—for two months.

The Hon. D.C. KOTZ: You did not stand down; stand down my foot.

The Hon. M.J. Atkinson: I stood down. Don't you remember? Have you forgotten?

The DEPUTY SPEAKER: Order!

The Hon. D.C. KOTZ: There are certain aspects about the terms of reference that are a matter for government, not a matter for terms of reference in an inquiry that is as significant as this one. It shows again that the government has no real interest in bringing the facts to the surface. Once again, it is only interested in ensuring its dirty little secrets are kept under cover, and that is something that should not happen and, as far as the opposition is concerned, will not be allowed to happen in this state.

Mr VENNING (Schubert): I will not take a long time because I know the member for Hammond wants to speak and the hour is getting late. I will make a few comments and say things I have been wanting to say for some years in this place because this is the perfect time to do so. There is nothing worse in politics than—

The Hon. M.J. Atkinson: When are you becoming the minister for agriculture?

Mr VENNING: You did offer it, I should remind the house. If members want to know the history of that, I can have it put on the record.

The Hon. M.J. ATKINSON: Mr Deputy Speaker, I rise on a point of order. The member for Schubert is accusing me of having offered him the portfolio of agriculture. I ask that he withdraw.

The DEPUTY SPEAKER: That is not a point of order. If the Attorney wishes to make a personal explanation, he is free to do so. The member for Schubert has the call.

Mr VENNING: I am happy to clarify it for the record. It was not offered by the Attorney: it was offered by the Deputy Premier. It was the Attorney, though, who told one of my colleagues of the deal which ensured that I had to own up to the whole thing. It was as a result of the Attorney not controlling his mouth which meant that I had to go public with the offer, otherwise I would have never done so. I would have kept it to myself and left it at that. I can remember very clearly and I put that on the record. There is nothing worse in politics than double standards and hypocrisy; and those who have nothing to hide, as we know, having nothing to fear. I believe this inquiry is flawed because the whole process has been flawed. What sort of court hearing was it—and we have to be careful about what we say about that. What sort of inquiry will we have when the chief witness will not be called. The one accused—

The Hon. M.J. Atkinson: Your mate—like that. Writes your parliamentary questions for you.

The DEPUTY SPEAKER: Order! This is not an opportunity to conduct an exchange between the Attorney-General and the member for Schubert.

Mr VENNING: Do you mean Ralph Clarke?

The Hon. M.J. Atkinson: This bloke was going to put you in government if he had won Enfield—that was the deal.

The DEPUTY SPEAKER: Order! The Attorney-General will hear the member for Schubert in silence.

Mr VENNING: I hope that that response is in *Hansard* because it is the first time I have ever heard that. I have never considered that. I have always found Ralph Clarke to be a very strong Labor member. Anyway, Ralph Clarke is the person in question and he was not called to give evidence to the court and nor will he be called before this inquiry. I find it extraordinary. How can you have an inquiry dealing with accusations concerning two people and one of them never gets called? I am not sure whether or not he is willing to give evidence, I do not know. I do not care. However, if you are looking for justice, surely both parties should be called before the inquiry and should come under cross-examination. I am not a law man obviously—

The Hon. M.J. Atkinson: Obviously.

Mr VENNING: Hang on, I am owning up to the fact. I am not trying to be something I am not. Nor are you a farmer, I should say.

The Hon. M.J. Atkinson interjecting:

Mr VENNING: I am not getting much protection from the chair tonight, sir—none in fact. I wanted to make this short but all he is doing is prolonging my speech. I get very cross to hear members of the government compare this action with the previous government's decisions and outcomes in relation to the Motorola affair. I was here during all that. The comparison is a nonsense. We are discussing what was a criminal matter before the court. The Motorola issue was never before court. The previous premier, I believe, paid a very high price. Yes, inducements may have been made in relation to the Motorola affair. Parliament may have been misled in relation to this affair, but I blame this on the ministerial staff of the day and not the previous premier. The only thing the previous premier did wrong was that he took the rap for the comments of his staff. They were originally made by two of them—

The Hon. M.J. Atkinson: Excuse me, what was that, Ivan?

The DEPUTY SPEAKER: Order!

Mr VENNING: It is on the record; I have said it. You can read it tomorrow. He took the rap for two of his staff and he should not have done so. He should have said no. He gave an inducement. There is nothing new in that, just read and recall what Tom Playford did when he was premier of South Australia and the things he did to give inducements to bring industry to South Australia. He did nothing wrong. I think the stigma that the previous premier carries over this matter is regrettable indeed. I think to compare the Motorola affair with this is ridiculous—

The Hon. M.J. Atkinson: The Motorola affair was more serious—lying to parliament.

Mr VENNING: As I said, misleading parliament.

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: Order!

Mr VENNING: Misleading parliament is an offence in this parliament and you pay the price—you lose a ministry over things such as that—but it is not a criminal matter as this is. No personal advantage or reward was ever to be received by any of the people involved in the Motorola affair. There was none. I have a very basic legal mind and I cannot see how you can compare the two, apart from playing the politics of it—

The Hon. M.J. Atkinson interjecting:

Mr VENNING: I am not trying to be what I am not, Mr Attorney-General, and you might be humble enough to express it. I am here to represent—

The Hon. M.J. Atkinson interjecting:

The DEPUTY SPEAKER: I warn the Attorney-General.

Mr VENNING: This hypocrisy really gets to me. While setting up the Motorola inquiry, the members for Chaffey and Mount Gambier were very vocal. They came to me and said that they were going to ensure that the terms of reference were tough and that premier Olsen was brought to heel. They made some very strong allegations to me about what they were going to do. I thought, 'Okay, fair enough. These two people are not long in parliament and they have very strong ideals. Okay, that is what they want to do', and that is what

happened. Mr Clayton had very tough terms of reference with which to deal, and we know what happened. Here is an issue a lot more serious than that matter, and what are we seeing happening? They have totally gone to water. I do not believe that the terms of reference that we were requesting were unreasonable. We do not play the same game that the Labor Party plays when it is in opposition.

I think that we have been reasonably fair about this; I really do. I am very disappointed with the member for Chaffey and the member for Mount Gambier, particularly. I will be interested to hear what the member for Hammond has to say in a few moments. I will stay here and listen, because he was also involved in this. I am interested to see how he compares the Motorola affair with this matter because I do not, and I do not think that most fair MPs would, either. What gets up my nose is that the hypocrisy continues, because I know that, in the last few weeks, both the Premier and the Deputy Premier visited the previous premier. You would never think that anything happened.

I could not do that. If I destroyed a person's career, I could not swan in a few weeks after and appreciate his company. I could not do that; I would not do that. After destroying a person's career, a few weeks later—

The Hon. M.J. Atkinson: Whom are we talking about?

Mr VENNING: The previous premier. The Attorney-General may be able to do that. I cannot do that, and I would not do that.

The Hon. M.J. Atkinson: What are you trying to do to me?

Mr VENNING: I am just talking very generally about hypocrites in this game of politics. I cannot do that. I am very concerned that the government is trying this now against all the odds. We have heard all the comments from the media. The unions are calling for the accident prone Attorney-General to be dumped. Well, that does not happen too often, does it, but it is happening. The Attorney swims on, with a big smile on his face. Our Attorney is an enigma. He is a different sort of person, and that is why this whole thing has credibility.

One only has to listen to some of the things the Attorney says on talk-back radio shows at night. Some would say that he is brutally honest and some would say that he is politically stupid in some of the things he says. He is an enigma. You can understand how these accusations can be made and that they do have some credibility. We know the three combatants: the Attorney; Ralph Clarke; and, of course, the man in the middle, the man of the moment—

The Hon. M.J. Atkinson interjecting:

Mr VENNING: No, I did not say 'honourable'. There was Ralph Clarke and, of course, Mr Randall Ashbourne. Three figures are involved. You would not call them the Three Stooges, but, certainly, they are three different characters. You could not say that any one of them was a basic, ordinary person, because they are all very different people. You can understand why the average person thinks, 'Well, what is behind all this?' We want a full and open inquiry. After all, if you have nothing to hide you have nothing to fear. I plead with the government: this will not go away. Unless you really do come clean it will not go away. Too many people out there are having something to say.

I believe that, in the finish of this, the Auditor-General will have something to say. Certainly, he is not saying too much at the moment. When the new DPP, who was heralded in seven or eight weeks ago, was appointed as the new Al Capone by this government to—

The Hon. M.J. Atkinson: Al Capone?

Mr VENNING: He is an Al Capone, isn't he?

An honourable member: Eliot Ness.

Mr VENNING: Sorry, Eliot Ness. I have the wrong side. Eliot Ness was going to get the Al Capones. Eliot Ness was the nickname. In hindsight, I would say—

Members interjecting:

Mr VENNING: If you would bring the house to order, sir, we would get through a lot quicker. The noise level is unbelievable here tonight.

The DEPUTY SPEAKER: I think that, in light of the member for Schubert's being so provocative, it is no surprise. I do ask the house to come to order, listen to the member for Schubert's contribution in complete silence and treat it with all the seriousness it deserves. The member for Schubert.

Mr VENNING: I believe that, in hindsight, the new DPP (Mr Pallaras) was a pretty good choice. He is certainly an Eliot Ness. He is a very courageous person. I have never met him. Obviously, he has very good legal credentials, and he has been standing up. This is a Labor appointment of only seven weeks ago. When he is expressing concerns about this, why should we not have a full and open inquiry? That is all we are asking for—a full and open inquiry with no holds barred. This government in opposition was very strong in its rhetoric on open and accountable government.

My colleagues tonight have read portions out of *Hansard*, off the record and from the McCann report about how it is an open and accountable government. Well, let us see how open and accountable you are. Let us have a full inquiry, because if you do not it will get you any way. One way or the other, you cannot hide things like this and get away with it. You will get sorted out. In time you will be caught out. Your sins will find you out, minister. I think that you are just about to be caught out. With those few words, certainly, I express my great concern with the comparisons of the Motorola affair and what has happened here. I am very concerned that the people in Chaffey and Mount Gambier will be horrified when they know what their members have just done.

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

The time for moving the adjournment of the house be extended beyond 10 p.m.

Motion carried.

Mr LEWIS (Hammond): Good evening, Mr Deputy Speaker.

The DEPUTY SPEAKER: Good evening.

Mr LEWIS: Can I point out to the house that there are occasions upon which whereas it has been said in the past that when things are different they are not the same; there are other occasions upon which when things are the same they are not different. That is not a riddle; it is a statement of fact. The predicament in which the government now finds itself is a predicament of its own creation. There was an attempt being made to have a successful palace coup well over a year after the event occurred in which it was alleged that Randall Ashbourne improperly offered inducements to Ralph Clarke to drop legal action against the Attorney-General in return for a position or positions on a board or boards in the government. But, that was well known to the government for a very long time to officers serving ministers.

It was only when the Premier was overseas that the Deputy Premier seized the opportunity, and seizing that opportunity with the assistance of his senior staff member

Cressida Wall to draw attention to the alleged offence which, it has been found, was no offence at all, because what was alleged did not happen, unless the judge got it wrong recently. If the Deputy Premier had been more temperate in his approach to his responsibilities as Acting Premier, the government would not be in this bloody mess. It is not the first time that the Deputy Premier has dumped them in it, and I guess it will not be the last, because he has a habit of wanting to shout about things that he thinks might be important on the off chance that he will get right soon or later. Every time the Deputy Premier has taken such actions, he has ended up embarrassing himself and the government in consequence of those actions taken.

Randall Ashbourne did not do anything wrong; that has already been established. And the Attorney-General did not do anything wrong; that is already established. But which staff members working for the government tried to make something out of nothing, and why did they do it? That is a question that deserves to be investigated, and to which the house is entitled to answers, because we have spent a hell of a lot of taxpayers' money pursuing the wrong witch. I do not know whether or not Cressida Wall is the witch in question, but the Deputy Premier would. It certainly was not Randall Ashbourne, and it certainly was not the Attorney-General, yet that is where the focus has been in the course of inquiries made to date, and they have been specious and a waste of time and money.

There is yet in my judgment—although that is not before the courts and I can comment on it—the real likelihood of it costing the state well over another half a million dollars just to resolve the injustice that has occurred to Mr Ashbourne, who should not have been pursued in the fashion in which he was, if the judgment of the court is to be taken as meaning anything at all. I am not suggesting to this house or to Mr Ashbourne or to anyone else that Mr Ashbourne ought to do that. I am just saying that he has a right to do so, it seems to me, and that, knowing Mr Ashbourne, there is some likelihood he might. That is something—

The Hon. M.J. Atkinson: Do what?

Mr LEWIS: Pursue the government and the public purse for damage to his personal and professional reputation, damage to his income stream, and damage arising for what he might decide is wrongful dismissal. And that pains me, because I am going to have to pay like all the rest of us in this place and all the people whom we represent just because some foolish person within government chose to make an issue of something before they checked the facts and before they sought reasonable explanations. It was clearly a matter of ego or lust, or a combination of both, that led government into this goddamn mess and led us all into this debate. And this debate is not over. It is not a lot different at the present time to the situation in which the previous government found itself in relation to the Motorola affair. And whilst the people who will end up being uncomfortable in consequence of the issue having been raised in the foolish fashion that it was by the Deputy Premier when he was Acting Premier in the absence of the Premier, it will cost him and the government a lot of its credibility in the same way as it cost the former premier and government a lot of credibility at that time. Now, I could quote, and I might, and I will say:

> Now that the Premier has accepted what happened. . .will he release of full list of the conditions in his ministerial code of conduct upon which he believes it is acceptable for him and his Ministers to mislead this Parliament?

That was the honourable deputy leader of the opposition at the time on Wednesday 10 February 1999. There are a number of other quotes that I could give the house for its benefit coming from the mouths neither of babes or whatever else it is that you might want to listen to, but from members of the then opposition and the government. Let me make another quote:

> Even if the Almighty were involved in this, it would not be good enough for the member for Elder. The position, as clearly pointed out, will subsequently be a matter for this parliament to determine: the facts of the matter, a chronological order and details of events, the tabling of papers and the results of interviews will be matters upon which the Parliament in due course will have an opportunity to consider the issues.

We have not got to that yet, but I bet we do. That was the then premier, John Olsen, on 10 December 1998.

In another instance, certain of the key advisers to the government had papers from their offices plundered in the course of the attempts the government was making to cover its tracks. I am talking now about 1998, not the last two years, but I bet that is the kind of thing that now goes on within the ranks of ministerial advisers and government ministers' officers generally to ensure that this evidence does not exist when the time comes that some inquiry does have the power to send for people and papers, to enter and seize documents and to compel witnesses to appear and tell the truth, the whole truth and nothing but the truth, as was required or suggested would be desirable by the remarks made in the chamber a few years ago. The then Leader of the Opposition and now Premier said:

> If the Premier is half fair dinkum, I would like him to produce and release all the documents about this in the interests of telling the full story and hearing the truth, the whole truth and nothing but the truth.

On the same day (4 November 1998), he also said:

> This motion is not about jobs.

The Premier can listen to this.

> It is about honesty; it is about probity; it is about accountability; it is about transparency and decency.

Well, it is all those things in this instance, too. Now that the public has had its taxes sorely wasted on a red herring investigation into the criminality or otherwise of the Attorney-General and Mr Ashbourne, which was a politically motivated internal fight or whatever you want to call it within the Labor Party, what we really need to do is to find out the truth behind what was said and by whom, and those notes are still obviously not revealed, if they still exist. They are the notes of people like Cressida Wall, the Deputy Premier and those other folk who conspired with one another to bring about this inquiry in the first place to enable the allegations to get on foot and to take on such ridiculous proportions as resulted in the publicity being given to their statements—more than 12 months after the event, mind you. But, nonetheless, they were made and were finally referred to the police. Why was it not done sooner? Because the Premier was still in the state for the whole of that time. The opportunity to do it only arose when the Deputy Premier became the Acting Premier.

An honourable member interjecting:

Mr LEWIS: No; that's the truth.

The Hon. P.F. Conlon: No, it's not true.

Mr LEWIS: Oh, I could quote some things from the member for Elder's remarks to the house, too, and I probably will. I do not want the member for Elder to get me excited. What I would like to be able to remind him of is that on

Tuesday, 8 December 1998, he asked the question—and I put the same question today:

> Can the Premier guarantee that there has been no tampering with those documents—

to which I am referring—

> in the four months they have been stored in the Premier's office?

Of course, at that time that was the Motorola stuff. But now, in the several months they have been stored somewhere, I want to know where the documents are that relate to the memos that were written between the Deputy Premier, Cressida Wall and anyone else the Deputy Premier had briefings from, or notes written to him, for whatever purpose, because they will be germane to discovering how come this attempted but miserably failed and poorly conceived palace coup got on foot and caused such angst and cost to taxpayers—such an ill-advised thing.

Had it not been for the member for Chaffey wanting to make a halfway house deal previously, the inquiries made into the actions of John Olsen in the Motorola affair would have been tidied up much faster, as you and I both know, Mr Speaker; they need not have been allowed to drag on and injure the government of the day in the fashion they did.

An honourable member interjecting:

Mr LEWIS: Yes, and it was, in part, naivety and, in part, misjudgment of the member for Chaffey in compromising what I and other honourable members in the opposition at the time clearly saw as being necessary, and it downgraded the nature of the inquiry Jim Cramond could make. He was not given access to all the documents and he was not able to come to a sound judgment about the events and the circumstances that led to the awarding of the Motorola inquiry. It dragged on and on. Well, the way this government is going is down the same path. The member for Chaffey has a key role to play in this inquiry, too, and ought not to see it compromised in any manner which would delay doing what the current Premier (the then leader of the opposition) has called for in terms of openness, transparency, completeness, thoroughness and accountability for all the things that related to it. That is what now needs to happen. The court has cleared Mr Ashbourne—

The Hon. K.O. Foley: You're a man of such integrity, aren't you?

Mr LEWIS: I can help remind the Deputy Premier of a few things he had to say back in November 1998. He said:

> Will the Premier now table in Parliament all correspondence between the Government [and the parties concerned]?

I am now saying: will the Deputy Premier do that?

The Hon. K.O. Foley interjecting:

Mr LEWIS: Out of his place, as he is allowed, he interjects. I know that he is a bit of an attack dog, and he ought to be muzzled. But, he gets away with it.

Mr KOUTSANTONIS: On a point of order, sir.

Mr Lewis: And the member for West Torrens is not much better.

Mr KOUTSANTONIS: I refer to making personal reflections on members. Saying the Treasurer is a dog that has to be muzzled is a personal reflection.

Members interjecting:

The SPEAKER: Order, the member for Hammond! The Treasurer is out of order and out of his seat. When members take a point of order they do not need to give a great speech, or a speech, whether it is great or not.

Mr LEWIS: The Deputy Premier has made an interjection which he must withdraw because it is unparliamentary. He said that I am as crooked as they come. I am not, sir.

The SPEAKER: I did not hear that, but if the Deputy Premier said that, then I ask him to withdraw.

The Hon. K.O. FOLEY: I have no intention of withdrawing that, sir.

The SPEAKER: It is an inappropriate reflection.

The Hon. K.O. FOLEY: I humbly withdraw completely.

Mr Koutsantonis interjecting:

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

Mr LEWIS: The honourable member for Elder at the time made the point that the issue is not about jobs, but about whether the first minister of the government is entitled to ignore the first principles of the Westminster system, that is, that you have to be honest and candid with the parliament. Now the parliament wants to know, and the public wants to know, why this failed palace coup got on foot, and the kind of inquiry which is canvassed under the terms of this legislation will not discover that. It does not even seek to set out to discover it. It simply seeks to limit the nature of investigations to the extent that it can ditto the court's decisions about the Attorney-General and about Mr Ashbourne, and that is a waste of money. So, I cannot support this inquiry in its current form. It is a sham, and I believe that until, and unless, such an inquiry examines why this nonsense ever got on foot, who was responsible for it, how the fiction ever got created in the first place in the Deputy Premier's mind whilst he was Acting Premier, but not before he became Acting Premier, and, in the process of doing so, properly apportion the blame where it belongs.

I think that we are entitled to know whether an internal faction fight in the Labor Party has done this to us. It certainly was not the opposition's doing; it certainly was not my doing or your doing, sir; it certainly was not Mr Ashbourne's doing; and nor was it the Attorney-General's doing, but it has been someone's doing, and maybe it will be their undoing, and the sooner we know who the hell it was, the better off we will all be. That is what we need to discover, not go through the sham that is proposed in this legislation.

Mr BRINDAL (Unley): I join my colleagues on this side of the chamber in deploring the government's inability to accept, what is, after all, a reasonable expansion in the terms of reference in this inquiry. The member for Hammond puts succinctly the case that I think should be germane to this parliament, that is, a consideration of whether the people of South Australia have a right to fully investigate a matter in which there is a public interest, the public interest which was expressed by the Premier himself when he promised an inquiry. What he did not tell us at the time was that there would not be any inquiry at all, it would be a particular inquiry of his making—done in his image—presumably, one could suspect, to produce the results that he wanted.

This matter needs answering because it is unprecedented that a very senior political adviser should be charged with the crime of abuse of public office. It is also unprecedented that the three star witnesses for the prosecution—the Attorney-General of South Australia, first law officer of the state, the Premier of South Australia, and the Deputy Premier of South Australia—appeared in the Crown's case against Mr Ashbourne, and that the jury retired for only so long as it took them to have a cup of tea before they returned a not guilty verdict. Now what does that say for the credibility of the

Premier of South Australia, the Deputy Premier of South Australia, and the Attorney-General of South Australia, when their crown law department prosecutes one of their senior advisers when they appear for that Crown case?

The Hon. P.F. Conlon: It is a good point and I am going to answer it.

Mr BRINDAL: Oh, well. They all appear as prosecution witnesses and Mr Ashbourne gets off in less time than it takes them to have a decent cup of tea.

Mr Lewis interjecting:

Mr BRINDAL: I understand that, and the member—

Mr Lewis interjecting:

Mr BRINDAL: Since it was said around this place—and one should not discuss corridor talk around this place, but as everything else is discussed, we will—that Mr Ashbourne was, in many ways, instrumental in delivering them government by his good offices with the member for Hammond over some time—

Mr Lewis: Not at all.

Mr BRINDAL: Well, Mr Ashbourne thought that he helped you, member for Hammond.

Mr Lewis: I did not need his help. I enjoyed his company but I never needed his help.

Mr BRINDAL: I am sure that you did not.

Mr Lewis interjecting:

Mr BRINDAL: I understand that.

The SPEAKER: The member for Unley has the call and will address the bill.

Mr BRINDAL: This side understands, sadly, after three years that 23 plus one equals a majority, and whatever they have now is a lot more than 23 plus one, which is even more unfortunate.

Mr Lewis interjecting:

Mr BRINDAL: No, but the member for Hammond should take comfort from that little piece of the Bible which says, 'A house divided against itself cannot stand,' and this house that we see opposite surely cannot stand because you are on—

The Hon. P.F. Conlon: He is quoting the Bible, sir, and I ask him to table it.

The SPEAKER: Order!

Mr BRINDAL: I do not need to table the Bible because unlike other—

The SPEAKER: Order! The member for Unley needs to get back to the bill.

Mr BRINDAL: I merely wanted to make the point because we were given a diatribe earlier about, 'Well if we want to look up a word in the dictionary, we would not have a dictionary.' This house provides, to my knowledge, at least two dictionaries. It provides every set of statutes available in this state. It provides Erskine May and it provides a whole lot of things but not, apparently, court documents. It appears beyond the wit of this place, which needs to be informed and to act properly in the public interest, to send for papers that this place requires for its deliberations. It seems to be beyond it that this place should be subjected to paying $5 a page to Their Honours at the courts to see something that is apparently, according to the opposition, a public document.

Mr Lewis: That is according to the government, who get it free.

Mr BRINDAL: Yes, and I hope that the parliament will support me if I consider, as I am, bringing a motion to this place to dispute the court's right to set such outrageous fees for court documents.

An honourable member: It is undemocratic.

The SPEAKER: Order! The member for Unley needs to focus on the bill.

Mr BRINDAL: The honourable member says it is undemocratic. All those poor witnesses paying $5 a page for page after page. The opposition can fix that: we will stop that little line of revenue for the government and then it might regret not bringing the thing in here. We will see.

The Hon. P.F. Conlon: Good luck!

Mr BRINDAL: Yes, I know how far it will get, but it is very good to have on the record that the government will not consider things before they are even brought in—

The Hon. P.F. CONLON: On a point of order, what I would like to consider is actually the bill before the house, if we could get to that at some point.

The SPEAKER: I uphold the point of order. The member for Unley is straying from the bill.

Mr BRINDAL: Like lost sheep, sir. The point made by my colleagues on this side of the house is that the expanded terms of reference are reasonable considering the unusual circumstance in which this house finds itself. What I find abhorrent is that I sat where the manager of the house's business is now sitting as a member of a government bench and saw what happened to a number of my colleagues with much less cause and with much more of a witch-hunt.

The Hon. P.F. Conlon: What is the cause?

Mr BRINDAL: The cause in this case is the right of the people of South Australia to know why the government hung one of its senior people out to dry—dismissed. This is germane to what this house should be investigating. A senior adviser of the Premier was dismissed while he was overseas, by the acting Attorney-General and, despite the fact that the man has been dismissed from public office and then found not guilty, the Premier has not even spoken to him. I do not know what sort of show—

The Hon. P.F. Conlon: I didn't think this was the line you were taking.

Mr BRINDAL: I don't care what line you think we are taking. We happen to be the Liberal Party and we will take whatever damn line we like. We do not all sing in unison from the one score sheet over here. We are actually allowed to have brains, which is something the Labor Party forgot some years ago. They are like little sheep lined up in the caucus pen all bleating in unison.

The SPEAKER: The member for Unley needs to get back to the subject.

Mr BRINDAL: The expanded terms of reference are reasonable and fair, and I will find it interesting, as I am sure that many observers in South Australia will find it interesting. There are those in this place who have previously set standards for this place that they now, because of self interest, may be seen as not so anxious to enforce. It will be really interesting to see, when those fearless consciences of this place, the independent members, cast their vote later this evening, where their vote will be cast. When we were not buying them off, when they were just backbenchers in a Liberal government, they were much more fearless in their pursuit of truth and justice and all those things.

One could even suspect that they were much more fearless in getting a name for themselves at anyone's expense than they seem to be now that they are ensconced in white cars travelling very carefully around South Australia at taxpayers' expense and enjoying all the perks of office until they have to go to the polls in March next year. That is what I will be interested to see tonight. That is what the people of South Australia will be interested to see tonight: whether this place

stands for what is right or whether it stands for the same sort of grubby deals, the same sort of dishonesty that is characterised by the need for this inquiry.

I find it absolutely abhorrent that the government will not expand the terms of reference when I read in the Sunday newspaper a senior political minder who says to the head of the Department of the Premier and Cabinet, 'It was my job to keep the factions in order.' I ask this house by what right public money is being used to play factional politics within the Labor Party. Minders of ministers, minders of premiers are employed for the public good and for the purpose of supporting the Executive Government, not for stitching up grubby factional deals. That was reported to 250 000 homes all over South Australia.

The Hon. P.F. Conlon: Which of course makes it true.

Mr BRINDAL: The minister at the table says it might not be true. It was evidence given to the head of Premier and Cabinet by one of the senior advisers in this government. Which one of them might have been lying? Not, surely, the one acquitted unanimously by a jury of his peers. Surely not that one. If that one was not lying, maybe he does not understand what a grubby deal is. Maybe he does not understand what factional politics is. I think not.

We need expanded terms of reference because we need to get to the bottom of this for previous employees of the Premier, for previous members of this house, and for the good of the public of South Australia. If we do have the expanded—

Ms Ciccarello: You don't even believe that yourself!

Mr BRINDAL: Hark: I hear a voice from the background! Who is that? We need to get to the bottom of this in an honest, open and transparent manner. We do not need another cover up. If the terms of reference are not agreed to, frankly, sir, I hope the Independents vote the way I believe they might vote, and I hope that if you have to cast a vote you vote that way, too, sir, because the more cover up there is by this government the more likely it is that we will get elected at the next election. It is as easy as that.

There is a smell beginning to pervade the air around this government, and if I were one of the Independents I would be thinking very carefully about who I might give my allegiance to after the next election, because I do not think it will be so easy for certain people to swan in and say, 'This is what I am going to do after the next election', and change their mind two minutes afterwards. I do not think that some people, if the Liberals get to within 23 seats, will accept that their conservative Independent member is prepared to sit down and preserve a Labor government at any cost. For all those opposite who have been waiting to bring home the bacon—and that is what they have been waiting for for three years, for the bacon to be brought home, for them to get a majority in their own right—well, tonight, they can see it slipping away. If you defeat this motion we will go out and scream, yell and make sure—

The Hon. P.F. Conlon interjecting:

Mr BRINDAL: Both. I am very catholic in my taste: I talk anywhere and everywhere about the failings of your government, and I will continue to do so. I will even go to the member for Bragg's electorate and give them a serve out in the leafy suburbs of Rose Park. I will go to Norwood and do a little bit of talking in the coffee lounges. There is nothing better than a good lift strategy in Adelaide! They should know it, sir, they invented it. You just have to stand in a lift and say, 'Guess what we saw him doing last night?' It works absolute wonders, sir. They, sir—not you, sir; you would not have done anything like that—invented these nasty, horrible little games.

Members interjecting:

The SPEAKER: Order! I think the member for Unley needs to get back to the bill.

Mr BRINDAL: I was just about to get on to poor Sam Bass's airline fares that were segmented into 100 parts. But as you, sir, said to get back to the subject, I will get off the subject of grubby Labor politics and back on to subject of even grubbier Labor politic cover-ups. That is what this is: nothing more, nothing less. If it is voted down tonight, fine; that suits us fine, because we have done the right and honourable thing, we have tried to get this thing—

The Hon. G.M. Gunn interjecting:

Mr BRINDAL: As the member for Stuart says, we have done the proper thing. We have tried to get this thing out on the table so that it is publicly examinable and publicly exposed. If the government will not wear it, fine. Let is get on with it and vote and put this thing to bed, because the sooner it is put to bed the sooner we will be able to win government and get back to where we belong, and see you people fighting for the little scraps that are left on this side of the chamber.

The Hon. P.F. CONLON (Minister for Transport): It was good right at the end of all that to find out the reason behind the opposition's approach: they want to use this to try to win votes. After hours and hours we finally find out what it is. I forgot to tell you, sir, that it has been terribly confusing trying to find a consistent line on the opposition's approach. Down this end, apparently Randall Ashbourne did a lot wrong and we were in it up to our eyeballs as well; and down this end, Randall Ashbourne did not do anything wrong, but we did, but nothing happened. It is a little bit hard to follow.

Can I please put this on the record for those opposite, for the Democrats in the other place and especially for *The Advertiser* which seems to have taken an interest, and it is something that has gone unremarked on by that side, in fact something that it has construed utterly wrongly—and that is that they are the only people, of all the inquiries and all the stuff that went on, suggesting that there was anything inappropriate done by any minister in this government: but of course that is their job.

Let me explain why I say that. One of the things you must understand about the nature of a criminal trial and the obligations of a prosecutor are some of the things I am about to tell you now. Out of all these inquiries—Warren McCann, the Auditor-General, down through the police, to the DPP—I will start with the DPP. The DPP's view was that only one person had acted wrongly, and only one person was charged. It is not even clear whether the police believed that, and it is not even clear whether the police believed that anyone should be charged. But what is absolutely certain is that the DPP believed that only one person should be charged. Further—and this is a crucial point—the DPP elected to call as witnesses for their case the people who have been slurred by the opposition—that is, the Premier, the Deputy Premier and the Attorney-General.

To call those people, the prosecutor was duty bound to believe that they were telling the truth. If the prosecutor did not believe that they were telling the truth, the prosecutor was not entitled to call them. What is absolutely clear is that after a police investigation and after the DPP looked at it, the DPP was of the view that the only person who should be charged was Randall Ashbourne—and I will come back to that in a

moment—and that the Premier, Deputy Premier and the Attorney-General were entirely credible, otherwise they would not have been called. What we have here, after the matter going to Warren McCann, the Auditor-General, the police, and finally to the DPP—and I do not think anyone on that side could possibly suggest in the current climate that we might have received preferential treatment from the DPP—

Mr Venning: You appointed him.

The Hon. P.F. CONLON: I do not think anyone, except perhaps the member for Schubert, could suggest that we would get preferential treatment. The truth is this: the independent prosecutor brought in by the DPP made an assessment that Mike Rann, Kevin Foley and the Attorney-General were all telling the truth.

Ms Chapman interjecting:

The Hon. P.F. CONLON: I was hoping that we would get something, because these are not my words. In a conversation with Pauline Barnett from the Crown Solicitor's Office and a staffer of this government, she said that the Attorney-General could say that he was a witness of credit for the prosecution. Those are her words. They are not entitled to call people unless they are telling the truth. One of the things I do agree with—because I am not sure this inquiry is appropriate—is that it is very heavy handed for a whole load of nothing. The truth is that the only people in South Australia who are alleging anything done by the government was wrong is the opposition, the Democrats and a few ragtags upstairs.

Mr Scalzi interjecting:

The Hon. P.F. CONLON: Joe, you are out of your place. You should be sitting a lot further back. Joe, you want to be out there door knocking; you have the colpo di grazie coming after you, mate.

Ms Chapman interjecting:

The Hon. P.F. CONLON: All things come to an end.

Mr Goldsworthy interjecting:

The SPEAKER: Order! The member for Kavel is not in his place and he should not interject, anyway.

Mr Venning interjecting:

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

The Hon. P.F. CONLON: What should have been obvious to the opposition is that their proposal—that somehow something inappropriate was done by the Premier, the Deputy Premier and Attorney-General—is not supported by the DPP or any inquiry that has been undertaken to date. That does not matter to members opposite, because they have a self-interest in transforming themselves from the government of cover-ups to the opposition of broad-ranging inquiry.

I want to touch on the point made by the member for Unley—even though, if he had stayed, he might have been better instructed. He said that the three prosecution witnesses I named could not have been very credible because he was acquitted. I will point out that I was very puzzled by the evidence which they were going to give and which would help. I was even more puzzled when the prosecutor herself in summing up said that the only evidence on which the jury could make a judgment was the evidence of Cressida Wall. I must admit that I have not been in the law game for some time, so maybe the approach has changed. I thought you called people because there was some point to their evidence, but I am sure they themselves can explain that.

Ms Chapman interjecting:

The Hon. P.F. CONLON: The prosecution has an obligation to tell the full story—if there is a story to tell; that is, the truth of the matter. They called the three of them. The fundamental bottom line is that they called those three witnesses from this government because they believed everything they said was true. They should not have called them otherwise, I can tell you. That is the strength of the opposition's call for an inquiry.

Sir, I ask you to turn your mind to the terms of reference. I recently went to see Joe Glamacek do the naming ceremony on a 55 metre purse seiner. As a fishing device that purse seiner has paled in comparison to this incredible throwing together of every single vague weird allegation these people can make without any basis in fact. You have to have a basis. Now, the disclosed basis is that Randall Ashbourne had a conversation with Cressida Wall that she believed was inappropriate. She reported it to the Deputy Premier, who reported it to Premier, and, in an apparent cover-up, he gave it to not only the head of Premier and Cabinet but also the Auditor-General. Implicit in their story is that the Auditor-General is part of the cover-up. I know members opposite like to spray the Auditor-General, but it is just a bit too weird for words.

Subsequently—and this is the one thing worthy of inquiry—it was recommended that those matters should be sent to the police. It went to the police. We are not certain of the findings of the police. We do know that the DPP said something about argy-bargy with the police. That must be a technical legal term I do not quite understand. When the office of the DPP looked at it, they believed one person should be charged. They called all the evidence they could muster and that person was acquitted in a very short time.

My own personal opinion is that we were right in the first place and there was not much in this at all. The truth is that we went through all that and promised an inquiry. We promised the same inquiry—this is the ineffectual one—which was given by the Independents, not by the previous government to us, and brought down John Olsen. That is the ineffectual inquiry. I tell members that if there was something to find I would be a bit nervous. I have to say that I am not, but, if they reckon that is ineffectual, I do not know what they think is effectual. Is it that they hang you?

The hypocrisy is breathtaking. This is a mob who came in and talked about standards and a smell. Sir, you were there for most of it. We should run through what happened when this mob was dragged into an inquiry. Do members remember that Tim Anderson was asked to look into Dale Baker? He brought down a finding. Not only was it done behind closed doors but we could not find out what the findings were, except that we knew Dale Baker had to take a walk—but no-one was to know why. Then, when Tim Anderson arced up, they vilified the man. We do not believe that about Tim Anderson: we actually appointed him. It is an illustration of the standards operated by members opposite. They not only hide it but also vilify anyone who tries to introduce it.

We talked about Motorola. Something was made of it because I called for an open inquiry into Motorola. When I called for an open inquiry into Motorola it was because, at that stage, John Olsen's government had declined to give any powers to subpoena witnesses or provide immunity. What we had known from their track record was that the same ministers had refused to cooperate with the Auditor-General. Do you remember he came down to the parliament? We had to give him special powers to get the ministers to cooperate. They wanted an inquiry where their ministers did not have to

turn up if they did not want to. But, the Independents gave us the powers of the Clayton inquiry that ultimately brought about the downfall of John Olsen. It is amazing that what they said in government was too far to go, once they are in opposition is not far enough. One just has to think about it for a moment to see the sheer hypocrisy.

Let us put this in context. The context is this: a bloke was tried and acquitted. Many of the contributions were about why Ralph Clarke was not called and that he should be called. I will make a few points. I would not say that Randall Ashbourne was a close friend of mine when he worked in government. I would not say that at all, but I will say this about him—

Mr Scalzi interjecting:

The Hon. P.F. CONLON: Listen, Joe, you really have very little to contribute in this place, and in the words of the song 'You say it best when you say nothing at all.' Try to keep that in mind.

Mr Scalzi: Thank you for the compliment.

The Hon. P.F. CONLON: To return to it, if you do not mind, Joe. I knew Randall Ashbourne. I cannot say I was a friend, but I worked with him. I say that he is entitled to his acquittal. He paid with many months of his life—

Ms Chapman interjecting:

The Hon. P.F. CONLON: I am not going to pay him anything. He is entitled to his acquittal. This is only what it can amount to because the DPP has shown that it was not anyone else who should have been charged. In fact, the three ministers were called as witnesses of credit. At the end of the day, the only person who will be retried is Randall Ashbourne and he has already been through the agony of defending himself in a criminal trial—

Ms Chapman interjecting:

The Hon. P.F. CONLON: I stress that my view is the man is entitled to his acquittal and, on the evidence I saw, I do not know how they were ever going to get a conviction but that is someone else's judgment—

Members interjecting:

The Hon. P.F. CONLON: Why was he sacked? Imagine if he was charged and he had not been sacked. We would have been in here every day with their demanding his sacking—

Ms Chapman interjecting:

The Hon. P.F. CONLON: It is easy when you are a lazy, sloppy opposition, isn't it? You do not have to do a lot. All you have to do is criticise. Can I say this, too: there is something fundamental about this. I actually have some influence in the Labor Party, as does the Premier, and I have to tell members the nonsense in this whole thing is why I think it does not deserve much of an inquiry at all. The nonsense in this whole thing is that Ralph Clarke had more chance of winning a Miss Universe contest than getting a board out of this government. I can give members that guarantee. Ralph is a man with my complexion, and I do not think he had a big chance at the Miss Universe contest. However, he had a better chance of winning that than he did of getting a board out of this government. I will give members that absolute guarantee.

From reading the story in the *Sunday Mail*, members can see how the misunderstanding came about. The notion that Randall Ashbourne was some sort of factional operative is delusional. I think it is obvious that, on occasions, Randall misunderstood his role. This is it: Randall misunderstood his role and he has paid dearly for it.

Ms Chapman interjecting:

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

The Hon. P.F. CONLON: He has paid dearly for it over many months and members opposite want him to pay for it again. Members opposite have thrown up some extraordinary stuff. For instance, every witness who comes should be able to confess to whatever they want and we will give them a blanket immunity from prosecution. I have never heard of anything like that—some of the egregious errors made by people who allege that they are frontbenchers with leadership ambitions. The member for Waite compared it to McGee and Nemer. Can I share something with the member for Waite? Randall Ashbourne was acquitted as, in my view, he should have been. There is no-one in South Australia who does not think that McGee did not do it. There is no-one in South Australia who does not think that Nemer did not go out with the hand gun and shoot the bloke. We know they did it and people were outraged by the consequences of that.

It is not a question of acquittal because people are entitled to their acquittal, but the consequences attached to those acts offended the people of South Australia for good reason. I think that most members on that side, if they were honest, would say that they were offended by the consequences of it, too. The consequences were outrageously light for two actions which I think offended every right thinking person, and to compare a fellow who has been acquitted in 45 minutes with people who did the things and who have been shown to have done the things shows how wrong-headed these people are. I will close by saying that there are three groups with different reasons pressing for a big, open inquiry—a circus—with terms of reference that amount to saying, 'If anyone who is vaguely related to someone in the ALP ever did anything wrong anywhere in the world that should be a subject.' I mean, you want to see the rubbish they have trotted up, the absolute rubbish—

Mr Scalzi interjecting:

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

The Hon. P.F. CONLON: The absolute rubbish they have trotted up.

Mr Scalzi interjecting:

The Hon. P.F. CONLON: I will come to that.

The SPEAKER: I name the member for Hartley. He has been warned today and he had better have a pretty good explanation or he will suffer the consequences.

Mr SCALZI: Mr Speaker, I apologise unconditionally.

The Hon. P.F. CONLON: Can I ask that the apology be accepted for the sake of parliament.

The SPEAKER: I reluctantly accept the apology because the member for Hartley's behaviour lately has been quite unacceptable. I have warned him many times about being on thin ice. I reluctantly accept it.

The Hon. P.F. CONLON: He has become very important since he became a shadow parliamentary secretary.

Ms Chapman interjecting:

The Hon. P.F. CONLON: Thank you, I was aware of that. I do thank the member for Bragg for only speaking for 10 minutes. It was an act of kindness in what has been a torturous debate. Three groups are looking for an inquiry into something that the DPP has found nothing in. One, of course, is the opposition and it is their self-interest. This is an opposition that basically has not laid a gob on the government in a long time. That is not my view, that is what is told to us. I do not take it for granted: I will work very hard to win the next election because the people of South Australia, in my

view, do not deserve the opposition returned. But they have a self-interest.

Who else? The Democrats. Why would the Democrats suddenly be up in arms? What did she say—'We are drawing a line in the sand.' As Mike Rann said, it is more like drawing a line in the sandpit when it comes to the Democrats. What is their interest? Sir, you have to understand that the Democrats are on this slow moving train but it is fixed on rails and they know they are heading towards a bridge that washed out two years ago, but they do not know how to get off the train. They are getting a bit desperate and they just want something to make them relevant again. I just wish that they would do it with something that made a little more sense.

Thirdly, *The Advertiser* calls for a big open inquiry like the opposition wants. If I was a journalist, I would want it, too. It is absolutely obvious if you look at the terms of reference and you listen to the hysteria that went on here tonight. Someone said that, if there had been a royal commission, then Ralph would not have to worry. The truth is that the McGee royal commission just found that there is a privilege against self-incrimination continuing in a royal commission. They just need to get it right.

Why would *The Advertiser* not want it? These people intend making a circus. They make hysterical contributions. Let me make it absolutely clear that they intend turning this into a circus. They cannot fight the government on policy; they cannot fight us on economic development; they cannot fight us in the management of the state; so they want to find a circus for the rest of this year running up to the election. If you were *The Advertiser*, you would probably like that idea, wouldn't you? Certainly, it would give you something live and colourful to report every day. I do not blame *The Advertiser* for wanting material that might be salacious and interesting, but the truth is that the purposes of justice are not served by that.

I close by saying that the vile allegations made by the other side against the Premier, the Deputy Premier and the Attorney-General are not supported by any other body; they are not supported by anyone. In fact, we can go to the DPP for a ringing endorsement—those people they reckon we fight with a lot. What the DPP said is that, on this matter, Mike Rann, Kevin Foley and the Attorney-General are truthful and should be believed.

Bill read a second time.

Ms CHAPMAN (Bragg): I move:

That standing orders be so far suspended as to enable me to move an instruction to the committee 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.

The SPEAKER: Does the member for Bragg wish to move the direction?

Ms CHAPMAN: We are just conferring, Mr Speaker. It appears that it is not proposed to move to instruct the committee. I indicate that we will be moving other amendments to the terms of reference proposal.

The Hon. P.F. Conlon interjecting:

Ms CHAPMAN: That is right.

The SPEAKER: The honourable member is not proceeding with the suspension, which would have been a direction in relation to the terms of reference?

Ms CHAPMAN: That is right.

The SPEAKER: The house will therefore resolve into committee, because we have amendments on file.

In committee.

Clauses 1 to 3 passed.

Clause 4.

Ms CHAPMAN: I move:

Page 2, line 24—
Delete paragraph (a) and substitute:
(a) section 18(3)(c) and (6); and

This amendment removes the references in the bill that are inconsistent with an open and public inquiry. In particular, it removes reference to section 18(2), 18(3)(a) and 18(3)(b) of the Ombudsman Act. Section 18(2) provides that every investigation must be conducted in private, and sections 18(3)(a) and 18(3)(b) provide that the ombudsman is not required to hold a hearing; and may obtain information from such persons and in such manner as he thinks fit.

It is the opposition's view that these provisions are inconsistent with a public inquiry. We note that this amendment will leave section 18(c) of the Ombudsman Act in the bill. This provides that witnesses may have legal representation. We have left that clause in the bill because it is quite consistent with a public inquiry. I seek the support of the house in this amendment.

The Hon. P.F. CONLON: The government opposes the amendment. We believe it is clearly the intention of the opposition to engage in a lengthy circus if it possibly can. The earlier attempts to establish the terms of reference, which were so gently described as 'wild', indicate that it is the opposition's desire to engage in a lengthy circus that would not serve the purposes of justice. The powers set out in this bill are those which were made available to Dean Clayton QC, as he was then. That inquiry served justice admirably in that all parties were able to make submissions (as I did) of some length to His Honour. An entirely open report was provided. We will certainly be providing any report that arises from this.

I think it is impossible in those circumstances for the opposition to allege that this would not be an effectual form of inquiry. After all, it did bring down their former premier. It is exactly what we promised we would do, and exactly what Mike Rann promised he would do. Frankly, I am certain that the proposal put forward by the opposition—and I would hope that we would make this a test of those provisions about openness—would merely result in a circus that the opposition would hope would distract the people and the government from the proper business of running the state in the run up all the way to the election, and would not in any way, shape or form serve the purposes of justice.

Amendment negatived; clause passed.

The CHAIRMAN: I point out that the minister has on file an amendment to correct a clerical matter in clause 3, but the Chairman of Committees has the power under standing order 283 to make that correction. The amendment is not necessary.

An honourable member: It is the date.

The CHAIRMAN: It is the date.

New clause 4A.

Ms CHAPMAN: I move:

Page 2 after line 26—
Insert:
4A—Hearings in public or private

The Special Commissioner may obtain evidence and evidentiary material for the Inquiry by means of hearings conducted in public or private.

This amendment seeks to give the inquiry the same powers as a royal commission. The proposed clause is the same as section 6 of the Royal Commissions Act 1917; it is effectively an exact replication. We are not suggesting that, under this clause, all hearings must be in public: it would be a matter for the commissioner to determine. We believe that an open and public inquiry for the reasons that have been outlined in this debate is the only way to satisfy the public interest. That is why courts of law are in the open. It might be satisfactory for an administrative inquiry like the Ombudsman inquiry to be behind closed doors. That is simply not appropriate for this type of issue. This will give the inquirer the power to deal with it in public or private as they may determine. I seek the committee's support on the new clause.

The Hon. P.F. CONLON: We oppose the amendment for the reasons I outlined earlier.

Amendment negatived.

Clause 5.

Ms CHAPMAN: I move:

Page 3, lines 5, 6 and 7—
Delete subclause (2).

This amendment deletes proposed clause 5(2) because this is another clause that is inconsistent with an open inquiry. Clause 5(2) modifies the usual documents which are required to be produced or produced to the inquiry itself. That is, it modifies the usual procedure which applies in courts, royal commissions and formal inquiries. Clause 5(2) in effect provides that a person who is required to produce the documents can simply hand them to the messenger. This is why we oppose clause 5(2). It is simply that the parliamentary counsel suggested to us that it is inconsistent with an open inquiry. I seek the parliament's support on this amendment.

The Hon. P.F. CONLON: We oppose the amendment for the same reason.

Amendment negatived; clause passed.

Clause 6 passed.

New clause 6A.

Ms CHAPMAN: I move:

Page 3, after line 26—
Insert:
6A—Statements by witness not admissible against witness
A statement or disclosure made by a witness in answer to a question put to the witness, or in evidentiary material produced by the witness, for the purposes of the Inquiry will not (except in proceedings for an offence against this Act or for contempt) be admissible in evidence against the witness in any civil or criminal proceedings in any court.

This amendment effectively inserts section 16 of the Royal Commissions Act 1917—the act to which I referred earlier. It is to provide any statement or disclosure made by a witness in answer to any question put to him by the commission or any of the commissioners that shall not, except in proceedings for an offence against this act, be admissible in evidence against him in any civil or criminal proceedings in any court. That has been replicated in the proposed amendment. The purpose of this new clause is to ensure that witnesses will attend before the inquiry and give full and frank evidence without fear of retribution. For the reasons set out in the debate, I seek the parliament's support.

The Hon. P.F. CONLON: The government opposes the new clause. I think that it is an extraordinary proposition because, basically, it suggests that we should invite someone along to make an outrageous allegation that they engaged in a criminal conspiracy, as a result of which they can get the other person into strife and walk out of there. I think that it is the most extraordinary proposition. We oppose it.

New clause negatived.

Clause 7 and title passed.

Bill reported without amendment.

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

That this bill be now read a third time.

Ms CHAPMAN (Bragg): I indicate that the opposition, which I think has been thoroughly clear throughout the debate on this matter, is disappointed that the government has not seen fit to amend both the terms of reference and the amendments that have been properly put before the house to make this an inquiry that will be worthwhile and useful. It is the position of the opposition that, in those circumstances, we will not oppose the bill further in this house. We look forward to it rapidly proceeding to another place where we are confident that it will meet some appropriate reform so that it will be placed in a position that will provide us with an inquiry that will benefit the state. We will do nothing now other than to hasten its passage to the other place.

Bill read a third time and passed.

FIRE AND EMERGENCY SERVICES BILL

Consideration in committee of Legislative Council's amendments.

(Continued from 24 May. Page 2667).

The Hon. P.F. CONLON: I indicate that the bill, which is to be handled by the Hon. Lea Stevens, has come back from the Legislative Council with certain amendments.

Amendment No. 1:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 1 be agreed to.

I understand that there has been a discussion between all parties and the minister, and an agreement has been reached.

Motion carried.

Amendment No. 2:

The Hon. L. STEVENS: I move:

That the House of Assembly disagree with the Legislative Council's amendment No. 2 but make the following alternative amendment in lieu thereof:

Clause 11, page 15, lines 31 to 36—Delete paragraphs (e) and (f) and substitute:

(e) four members appointed by the Governor of whom—

(i) one must be a person appointed on the nomination of the South Australian Volunteer Fire-Brigades Association; and

(ii) one must be a person appointed on the nomination of SASES Volunteers Association Incorporated; and

(iii) two must be person appointed on the nomination of the minister.

I understand that is the agreed position.

The Hon. DEAN BROWN: First, I think the amendment needs some explanation, because the Liberal Party members in this place (and I was one of them) debated very strongly to have broader representation on the board and that it should be a nine person board, which would included the CEOs of the three different services (that is, the CFS, the MFS and the SES) and that it would be chaired by the Commissioner for Essential Services, with two CFS volunteers nominated by

the Volunteer Firefighters Association, two from the SA SES Volunteers Association, and one from the LGA. That is what the Liberal Party argued for very strongly. We believed that it needed to be a broader-based board and that the board should include voting representation by the volunteers. I understand that the majority of the members of the upper house agreed with that position, which was argued very strongly by the members of the Liberal Party both here in the lower house and in the upper house. However, the Volunteer Firefighters Association and the South Australia SES Volunteers Association have both argued that they do not wish to be voting members of the board and that they want to be no more than observers of the board, with no voting rights.

Based on that very specific request by the former president of the Volunteer Firefighters Association—and I understand that the current president, the deputy president and their executive officer were also arguing this position—and by SES volunteers, the Liberal party finally agreed to the request. That is, that there would be a board of four (all of whom are to be paid staff) and that they are the three CEOs of the three services—the CFS, the MFS and the SES—and that it would be chaired by the Commissioner for Essential Services. It was also agreed that the casting vote of the chair would be removed, and that at each board meeting there would be one volunteer from the CFS and the SES as non-voting observers (alternating from one year to another), and there would be two other observers—one with financial experience and one with legal experience.

I stress the fact that we are doing this because it has been specifically requested by the Volunteer Firefighters Association and the South Australia State Emergency Service Volunteers Association. I also stress the fact that there will be a board of four; the chair, who will be the Commissioner, will not have a casting vote; and there will be three observers on the board, one a volunteer, one with legal experience and one with financial experience. Again, I stress that we have done that simply because that is what the volunteers have asked for. The Liberal party's position on this is that if that is what they have asked for, and that is what this government wants, we will agree to it in terms of the legislation; however, my colleagues and I find it a totally unacceptable structure that you have only four people on a board, none of whom are independent directors of that board. That is unacceptable, and I find it unacceptable that the volunteers do not actually have a vote.

The Hon. G.M. Gunn interjecting:

The Hon. DEAN BROWN: The recommendations for the boards of modern corporations are that the majority of the directors must be from outside, yet there is not a single outside director on this board. Certainly, if I were a volunteer within the CFS I would want to make sure that I had a volunteer in there voting, not just observing. In fact, I think we will find that there will be a thrust towards the views of paid staff—and after all, it is the volunteers of the CFS and the SES who make those two organisations; they just would not exist without those volunteers. Those volunteers play such an important role, why should they not have a vote? In fact, why should not both the CFS volunteers and the SES volunteers have permanent voting members on the board?

I highlight to those associations the fact that the Ambulance Board has a volunteer ambulance officer and a volunteer administrator on the board. So, it has two volunteers as voting members of the board and, if it is good enough for the ambulance officers, why is it also not good enough for the CFS and the SES?

I think that it is an unsustainable position, and I can assure members—and I flag it to the chamber tonight—that, as far as the Liberal Party is concerned, we will monitor this situation very carefully, because I guarantee that they will find it increasingly difficult to recruit volunteers in both the SES and the CFS to maintain the numbers that they need, because here is an organisation with a board of paid staff—all of them; no outsiders whatsoever—and it will become focused on the paid staff side and, so, volunteers will become increasingly disillusioned.

Whilst I respect the volunteer firefighters association and the volunteer SES association for their views, and we have agreed at this stage to support the legislation on the basis of their request, I tell members that it will be an unsustainable position, and the Liberal Party will be out there carefully monitoring this. I know, because I cover an area where the CFS and SES volunteers play a very important role, across the Southern Fleurieu Peninsula and Kangaroo Island, and I know that many other members on this side of the house are in very close contact with their volunteers within these organisations. Frankly, from what we hear, there has been no effective consultation with the volunteers at all.

I indicate that a Liberal government will very carefully reassess this position to make sure that the volunteers have a voice and a vote on the board if they want it, so that they can be in the same position as the ambulance volunteers or the volunteer ambulance administrators. I stress again that here we have an ambulance board with two volunteers with full voting rights, and yet, when it comes to the essential services, we have the volunteer firefighters and the volunteer SES not represented in terms of a voting right at all.

So, that is the position of the Liberal Party. We will monitor this very closely. As I indicated, we will consult with the volunteers, which this government has failed to do, and we will make sure that in the future we are there representing the views of the volunteers who, after all, make up the CFS and the SES within this state. I support the amendments proposed by the minister, but with those very strong qualifications.

The Hon. L. STEVENS: The government is pleased that the opposition is supporting the amendments. I want to make three points: first, there has been extensive consultation on this matter; secondly, we believe that this arrangement will work; and thirdly, we are very clear that this arrangement has the unequivocal support of the entire sector.

The Hon. W.A. MATTHEW: This bill has been debated within this place now for some time. It went back to late last year and, on that occasion, I was leading the debate for the opposition as the then shadow minister for emergency services. Of course, following my decision to retire from parliament at the next election, and five weeks ago to step from the front bench, I now take a different role in relation to this bill. Needless to say, my interest in it does not change. I have had seven years of involvement in the emergency services portfolio as both a minister and shadow minister, and it is my determination to ensure that we have a bill that is as workable and as fair as possible. I am pleased that the bill has moved a considerable distance and, certainly, the first bill that was put before the parliament did not provide volunteers with any role on a board, and made them susceptible, without any consultation whatsoever with the community or through the parliament, to effective removal through abolition of brigades and units.

Through amendments already passed in this house, we have at least resolved some of those problems. We are now left with a situation where this amendment before us provides for an expanded board beyond that initially intended by the government. The passage of this amendment would see two volunteers on the board, one from the SES and one from the CFS, appointed by their representative associations. However, they are still volunteers without a vote: they are observer positions only and volunteers not forming a part of any meeting quorum. In other words, it is really a token effort, because the meetings can go ahead, anyway, without those volunteers being present. There is nothing in this bill that will prevent meetings of the board from going ahead without volunteers being present.

That is my first point of remaining concern in addition to the other point of concern that the volunteers will still not have a voting right. As the Deputy Leader of the Opposition has indicated, a Liberal government on coming into office in eight months and 13 days' time will, as part of the many things that need to be tackled after, by then, four years of appalling Labor mismanagement, also re-examine what will need to be done with this board and organisation to make it more workable.

The minister was correct in saying that some negotiation has occurred outside of this parliament in endeavouring to reach the position that is before us tonight. However, after looking at the amendments that are before us tonight, I find that the ground has shifted beyond what was agreed and what is now here tonight. The board amendment that is before us is not what was agreed, and I will ask the minister to comment on this. My understanding is that what was agreed would go through here tonight is that new clause 11(e)(iii), which simply provides that 'two must be persons appointed on the nomination of the minister', should have had further qualification.

It is my understanding that the further qualification was this: of those two persons to be appointed on the nomination of the minister, one was to have financial experience, the other legal experience, and each of those persons was to have a minimum of three years' experience as a volunteer, not necessarily within the CFS or the SES, but three years of relevant volunteer experience. Because that qualification is not here, I can tell members what will happen. This amendment simply provides that 'two must be persons appointed on the nomination of the minister'. That means that, under this bill, two members of the United Firefighters Union can be put on the board with equal status with the CFS and the SES, and there would be two of them. This bill provides that opening, and I raise that as a point of concern, because that is certainly a rumour that has been doing the rounds over the past few weeks; that if the opposition's initial—

Mrs Geraghty interjecting:

The Hon. W.A. MATTHEW: No, for the benefit of the member for Torrens, it is certainly not one that I have circulated, because it was a nasty, mischievous rumour, and we traced it right back to the Labor Party. It is a rumour that the Labor Party was mischievously circulating, saying that, if the volunteers were given a vote on the board, the Labor Party would want the UFU on there as well. That is the rumour that was being circulated through the Labor Party as part of its dirty pool. That mob has got form on this: they are grubby and dirty in many areas, and this is no exception.

I ask the minister: what happened to the agreement that occurred in relation to the qualification for those two persons to be appointed to the board? Why is it not in this amendment that one would have financial experience? Why is it not in this amendment that one will have legal experience? Why is it not in this amendment that they will have a minimum of three years of volunteer experience? As the minister can see, one or both of those people could be UFU members because of the way in which this legislation is now written.

Members interjecting:

The CHAIRMAN: Order! The minister has the call.

The Hon. L. STEVENS: My understanding is that this wording was a direct result of discussions with the shadow minister. So, I refer the member to his own shadow minister: perhaps they can explain it to him.

The Hon. W.A. Matthew: That is not what he told me he was going to do.

The Hon. L. STEVENS: If the member has difficulties within his party, that is his problem. But that is our understanding.

The Hon. W.A. MATTHEW: I ask the minister for a categorical assurance. Can she assure me categorically that the people holding these two positions will not and cannot be members of the UFU? As it is written, that opportunity is there.

The Hon. L. STEVENS: My advice is that the wording is clear. There is not a preclusion in terms of the membership of a particular organisation, and this was the agreement that the shadow minister was part of.

The Hon. W.A. MATTHEW: I have just received communication from the shadow minister, who assures me that he categorically agreed, and has in writing from the minister, that there would be a qualification on the membership of those two people, including the minimum three years of volunteering. That is not part of this amendment and that is not what was agreed to with the opposition, and I ask the minister whether she wishes to quickly consider her position to have the amendment that was agreed to placed on the record, otherwise we will unnecessarily drag this out. This is not what was agreed to.

The Hon. L. STEVENS: The government would like to put on record that it is its intention that one of these people will have legal expertise and the other will have financial expertise.

The Hon. G.M. GUNN: We have not got off to a good start in this matter. Some of us have had grave concerns—

The Hon. L. STEVENS: Let us get on with it, Gunny. If there is an amendment, give it to us and we will have a look.

The Hon. G.M. GUNN: Well, draw it up. Get Wayne to draw it up. I have sat pretty quietly here tonight, and I participated in this debate before the minister got involved and have some knowledge and understanding of the role and the great contribution of the Country Fire Service in a large part of South Australia. The only reason it does that is that it is strongly supported by volunteers and the community, and it is appalling that the government wants to supersede their rights with paid officials. I thought a democracy was about giving ordinary people a say. That is what democracy is about. It is not about empowering bureaucrats. The result of what the government wants to do—and those who are the architects of this, as well-meaning as they may be but misguided—will be that, when there is a problem in a small CFS brigade, they will be isolated from the discussion and it will be drawn into this place. There will be questions asked in this place because you have isolated them.

We want more volunteers. This is not conducive to getting more volunteers. Mr Ferguson said before the Economic and Finance Committee a few days ago that we are losing people

who have had experience in aspects of fire control and fire management. I cannot understand it. What harm are they going to do? Why is it that all wisdom flows from people who are appointed by the government? It is a foolish conclusion to come to. Surely, in a democracy, in a decent society, ordinary people are entitled to be represented and to have a say. That is what distinguishes us and our system.

So, this amendment is not satisfactory, in my judgment. The worst aspect of it is this, and I will it repeat for the benefit of those who have been involved and who may not have heard me: you will transfer the complaints, the debate and the discussions from around the board table to here. This is where they will take place. We have small brigades, small groups of people, doing a wonderful job, and this will lead to more paid officials and more control from Adelaide and fewer people on the ground. People with knowledge and experience will be excluded.

I have a clear conscience on this issue. Let me say to members: the first time a complaint comes in here about this, she is all in here. We have things like the Economic and Finance Committee, remember. They examine the emergency services levy of the year, and we will have to line people up by the dozen to go along there and say, We've been outvoted: this is the only chance we've got.' So, I have got it on the record. The original amendment that came from the Upper House has not a thing wrong with it. It will do no harm and will do a lot of good, and it will let people know that we do appreciate the work they do, the effort they put in, the time they give, and the great effort they make on behalf of a large number of people.

They are not only dealing with bushfires but getting called out in the middle of the night dealing with road trauma a large percentage of their time. To get these people to down tools any time of the year, in the middle of the night when it is freezing cold or hot, is a pretty poor state of affairs. We are saying, 'Look: we want you to do the work but we're not going to have any of your input.' Therefore, there needs to be some rethinking. I hope we can fix it here, otherwise it will be fixed upstairs. Make no mistake about that: it has to go back and it will be fixed. We have a choice to use some commonsense and forget about the bureaucracy that wants to have its say. This parliament is not here to legislate for and on behalf of bureaucracy. Some people think that it is but it is not.

The Hon. DEAN BROWN: We heard from the minister that there had been an agreement on this. I happen to have a copy of the letter exchanged in the other place and I can tell members that this does not comply with the letter that was exchanged. I will read out what that letter says. This is a letter written on 23 June from the Hon. Angus Redford to the Hon. Carmel Zollo, Minister for Emergency Services, and it says that the bill should be returned to its original form, that is, as received from the House of Assembly on 4 April, with the following exceptions.

Page 15, clause 11, line 35: that the following words be inserted beneath the words 'public administration'—'provided that they have had three years volunteering experience.'

That is not in this bill. The next point is:

Page 15, clause 11, line 36: existing paragraph (f) be amended so that the board comprises one member appointed on the nomination of the South Australian Volunteer Fire Brigades Association and one member appointed on the nomination of the South Australian State Emergency Service Volunteer Association Inc., and

Line 17, page 14: delete the words 'member of the board presiding at the meeting may exercise a casting vote' and add the words 'the matter is lost, or words to that effect.'

There are other points as well, although I think they are not relevant to the portion we are debating now. Quite clearly, what was agreed between the parties in another place has not been written into these amendments. Therefore, it would appear that the Liberal Party has been dudded and the volunteers have been dudded, too. You could end up with these two people in fact being there representing the United Firefighters Union.

The Hon. L. STEVENS: My advice is that conversations that occurred this morning have superseded what is in the letter that the Deputy Leader has just read out. However, the government is working on an amendment that we hope will sort that out.

The Hon. DEAN BROWN: Can I suggest the matter be withdrawn until tomorrow—

Mrs Geraghty: No, let us plough on.

The CHAIRMAN: Order! The minister has the call.

The Hon. L. STEVENS: I am not sure whether we come back to this or wait. It is not going to be long.

The CHAIRMAN: The minister can move to postpone the amendment. We can move on to other clauses and come back to amendment No. 2.

The Hon. L. STEVENS: I move:

That further consideration of amendment No. 2 be postponed.

Motion carried.

Amendments Nos 3 to 11:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos 3 to 11 be agreed to.

Motion carried.

Amendments Nos 12 and 13:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos 12 and 13 be disagreed to.

The Hon. W.A. MATTHEW: I think it is important that *Hansard* indicate what is being deleted in this instance at the insistence of the government. Effectively, these amendments take away any voting right of volunteers on the new board and take away volunteers being a quorum of that board. So, these are two different amendments and two very different things. Depending on what happens with the redrafts that are occurring at the moment, if we end up with a board as the government intends, namely, comprising four paid staff—the chief executives of each of the SES, the CFS and the MFS, plus the new emergency services commissioner—they will be the only ones who will have a vote. There will be four other people on the board: a member of the SES and the CFS (nominated by their respective associations) and two other people (and the details of those are still being worked out and will come back to the committee at a later stage). With these amendments, those people will not form part of the quorum.

In the first instance, I ask the minister: will the deletion of amendment No. 13 not mean that a meeting of the board can go ahead without the non-permanent staff present? Can a meeting go ahead without the CFS or the SES volunteers being present?

The Hon. L. STEVENS: I am advised that the answer is yes.

The Hon. W.A. MATTHEW: The minister has now told the committee that a board meeting can go ahead without the volunteers being present. Under this legislation, can a board meeting be called without the volunteers on the board being advised of the meeting being called?

The Hon. L. STEVENS: That question does not relate to this amendment. Can you rule on that, sir?

The CHAIRMAN: I do not have the original bill in front of me, so it is a little difficult for me to make a ruling. Amendment No. 13 made by the Legislative Council does refer to a quorum, and I think that is what the member for Bright is getting at.

The Hon. L. STEVENS: You cannot call a meeting unless you contact all members of the board. That is calling a meeting.

The Hon. W.A. MATTHEW: That is not the question I asked. Is there anything in this bill that requires those people to be notified of a meeting? In view of the fact that they do not form part of the quorum and the meeting can occur without their being present, is it possible for a meeting to be called without their being notified?

The Hon. L. STEVENS: I will take the question on notice.

The Hon. W.A. MATTHEW: If that is the case, I ask the minister, also, to defer this until she has an answer because this is interwoven into the other matter that has been deferred already. We need to have the other matter cleared up and an answer on this to formulate our opinion on these changes, because they are critical to the operation of this bill.

The Hon. L. STEVENS: I believe this matter can be addressed in the other place by the other minister.

The Hon. DEAN BROWN: I rise on a point of order, sir. If we amend it here, is the upper house in a position to amend it further?

The CHAIRMAN: The minister has moved that amendments Nos 12 and 13 be disagreed to. If that is carried, the Legislative Council could insist upon those amendments.

The Hon. DEAN BROWN: The point is that there is a lack of clarity over whether there is any requirement to let the observers to the board meeting be notified there is a board meeting on. I think that is the real nub of the issue. It would appear that there is no obligation for the observers on the board to be notified that a board meeting is on. What is the point of being an observer if you are not notified that the board meeting is on? My feeling is that this cannot be resolved in the other place because it has to either accept or reject it.

The CHAIRMAN: That is my advice.

The Hon. DEAN BROWN: That is my feeling, too. I think this is heading into a deeper hole. We came in here willing to agree on this, but there is a fundamental point back on the earlier point because it is nowhere near the drafting that was agreed.

The Hon. L. STEVENS: It seems to me that it is commonsense that if you have a board, even if some people are voting and some people are non-voting members, all members would be invited to attend the meetings. I give a clear undertaking that that is the intent of the legislation; that is, all members of the board—

The Hon. Dean Brown interjecting:

The Hon. L. STEVENS: Yes; an assurance on the record—will be invited to the meeting. In my experience I have never seen directions written in a bill that everyone has to be invited to a meeting. That is assumed. I give an assurance that is what will happen.

The Hon. W.A. MATTHEW: The minister starts to make the point to which we are alluding. Of course, it is normal practice that members would be invited but, equally, it is normal practice that all members would have a vote. It is equally true they would be part of a quorum. This is different. We have a board of eight people, four of whom are observers, do not form part of a quorum, do not have a voting right and, on the minister's own admission, do not have to be at the meeting in order for it to proceed; and there is nothing in the legislation which provides that they have to be invited.

So, it is entirely possible, regardless of the minister's, 'Trust me, trust me, I'm here from the government to help you, and it will happen the way I say,' the legislation does not enforce it. So, it is possible for a meeting of the board to be called, for there to be fewer than four people present (as you do not need that many for a quorum, or maybe you do—it depends on what other amendments will put forward tonight), and for the volunteer representatives to be absolutely snowed by this. This is starting to smell. It is not the first time it has been that way. The opposition has negotiated in good faith. We have come here tonight, and the amendments that we were told would be here are now different, so the government has not put up what it said it would.

We now find that we have a situation where the volunteers who have also been hearing from the government in good faith and believe they have observers on the board now have the minister's admission that a board meeting can go ahead without their being present anyway, and it would appear that there is nothing in the legislation even requiring them to be notified of a meeting. Minister, it is not good enough—it needs to be in the legislation. The opposition's preferred option is that they should have a vote and, if they do not have a vote, there should at least be a provision stating that the volunteers have to be advised of a meeting.

The Hon. L. STEVENS: I have given the assurance and I do not think there is anything more I can say.

Motion carried.

Amendment No. 14:

The Hon. L. STEVENS: I move:

That the House of Assembly disagree with the Legislative Council's amendment No.14 but make the following alternative amendment in lieu thereof:

Page 17, line 34, delete the words 'may exercise a casting vote' and substitute 'does not have a second or casting vote'.

The Hon. W.A. MATTHEW: That is what was agreed to previously. It is important that the record show some of the toing-and-froing in relation to this bill. That was one of the government's first concessions put forward because the amendments initially put to this house by the opposition were for a board of nine—the four paid officials referred to earlier, two volunteers from each of the SES and CFS and one from the Local Government Association. The government insisted that the Local Government Association was not greatly interested in being involved in the board, despite its existing membership of the Country Fire Service Board, and argued that instead we go to a board of eight, with the casting vote being removed from the chair. That was agreed to at the time, in light of the fact that we expected that all eight would have voting rights. Without that happening, it probably does not matter as much, but to a minor extent it is more preferable than the chair having a casting vote.

The Hon. DEAN BROWN: The actual amendment is different from what was agreed, and I will explain that. The amendment is that the chair shall not have a second or casting vote. What was agreed was that, if there is an equal number of votes, the matter is lost. There is a difference between saying he does not have a casting vote and saying the matter is lost. That was part of the agreement in this letter between the Liberal Party and the Labor Party. It would again appear that what has been agreed between the parties is not reflected

in these amendments. Therefore, how does the minister account for that? I will read it again so that the minister is very clear:

Delete the words 'member of the board presiding at a meeting may exercise a casting vote' and add the words 'the matter is lost' or words to that effect.

This does not do that at all. All it does is say that there is no casting vote.

The Hon. L. STEVENS: It is words to that effect because, quite clearly, if you do not have a majority, you do not win the vote.

Motion carried.

Amendment No. 15:

The Hon. L. STEVENS: I move:

That the House of Assembly disagree with the Legislative Council's amendment No. 15, but make the following alternative amendment in lieu thereof:

Clause 14, page 17, line 35—

Delete 'associate' and substitute 'appointed'

This is consequential to amendments Nos 1 and 2.

Motion carried.

Amendments Nos 16 and 17:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment Nos. 16 and 17 be disagreed to.

Motion carried.

Amendments Nos 18 and 19:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos 18 and 19 be agreed to.

Motion carried.

Amendment No. 20:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 20 be disagreed to.

Motion carried.

Amendments Nos 21, 22 and 23:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendments Nos 21, 22 and 23 be agreed to.

Motion carried.

Amendment No. 24:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 24 be disagreed to.

Motion carried.

Amendment No. 25:

The Hon. L. STEVENS: I move:

That the House of Assembly disagree to the Legislative Council's amendment No. 25, but make the following alternative amendment in lieu thereof:

Clause 149, page 82, lines 22 to 25—

Delete subclause (3) and substitute—

The review must include:

(a) an assessment of the extent to which the enactment of this act has led to improvements in the management and administration of organisations within the emergency services sector and to increased efficiencies and effectiveness in the provision of fire and emergency services within the community; and

(b) an assessment of the extent to which owners of land and other persons who are not directly involved in an emergency service organisation should be able to take action to protect life or property from a fire that is burning out of control and may address other matters determined by the minister or by the person conducting the review to be relevant to a review of the operation of this act.

Motion carried.

Amendment No. 26:

The Hon. L. STEVENS: I move:

That the Legislative Council's amendment No. 26 be agreed to.

Motion carried.

Progress reported; committee to sit again.

EDUCATION (EXTENSION) AMENDMENT BILL

The Legislative Council did not insist on its amendment to which the House of Assembly had disagreed and agreed to the alternative amendment made by the House of Assembly without any amendment.

ADJOURNMENT

At 11.58 p.m. the house adjourned until Wednesday 6 July at 2 p.m.