HOUSE OF ASSEMBLY

Wednesday 21 September 2005

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

SITTINGS AND BUSINESS

The Hon. L. STEVENS (Minister for Health): I move:

That the sitting of the house be continued during the conference with the Legislative Council on the Statutes Amendment and Repeal (Aggravated Offences) Bill.

Motion carried.

GLENELG RIVER SHACKS

A petition signed by 22 residents of Victoria, requesting the house to urge the Minister for Environment and Conservation to allow long term tenure and transfer rights of Glenelg River shacks at Donovan's, Dry Creek and Reed Bed, providing owners can meet state government environmental, building and other requirements, was presented by the Hon. R.J. McEwen.

Petition received.

DNA PROFILING

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

Leave granted.

The Hon. M.D. RANN: The government's expansion of DNA testing in South Australia has contributed substantially to the charging of 729 people since January last year over a range of crimes. I should say that this morning I received a figure of 674. The figures have been revised upward. So, 729 people since January last year have been charged over a range of crimes. The breakthroughs relate to 2 411 offences arising from 1 245 separate incidents. Our $7 million investment in expanded DNA testing is putting the screws on criminals in South Australia. Criminals should know that they are far more likely to be caught now that we have more police and that they are armed with the greatest crime-fighting advance seen in South Australia since fingerprinting. That is reinforced by recent police statistics showing that total crime reported by victims in South Australia was down 6.6 per cent last financial year.

SAPOL's testing of all prisoners, suspects of serious offences and suspects of some more minor offences has helped reinvigorate a raft of old cases, including 27 rapes, 24 robberies, three arsons, 80 aggravated serious criminal trespass, 1 076 non-aggravated serious criminal trespass, nine serious assaults and 26 other property offences. Police tell me that the feedback from victims is very positive. The database of DNA samples from suspects and offenders has now reached 22 000, having linked more than 1 900 different individuals to DNA samples found at crime scenes, and that is the key to this. It is about clearing up crimes that were committed in the past, such as rapes. The 22 000 samples represent a 40-fold increase on the 500-odd convicted offenders reported on the database in 1999.

Details of recent arrests and reports include a 31-year old man charged in July with rape relating to a sexual assault at Port Adelaide in 1995; a 46-year old man charged in June with rape and assault occasioning actual bodily harm over a sex assault in Adelaide three years ago; a 21-year old man charged in May with two counts of aggravated robbery relating to businesses at Ascot Park and Blair Athol in 2003; a 23-year old man charged in April with five counts of aggravated robbery during October and November last year; a 30-year old man charged in June with robbery; assault and other offences over a bag snatch at Prospect during March 2004; and an assault whilst trying to steal a vehicle at Magill in January.

What is happening is that these people are leaving DNA samples at the scene of the crime, and they are being picked up later for it. Further recent arrests include a 20-year old man charged in June with two counts of aggravated robbery with a weapon involving supermarket robberies at Parafield Gardens and Walkley Heights in January; a 31-year old man charged in June over the attempted aggravated robbery with a weapon at Salisbury North during February; a 24-year old man charged in June for attempted aggravated robbery and two counts of illegal use of a motor vehicle last year; an 18-year old man charged in July with aggravated robbery with a weapon relating to the robbery of a taxi driver at Lockleys in April 2004; and a 27-year old man charged in July with robbery related to a bag snatch at Findon in September 2004.

The backlog of processing prisoners' DNA has now been cleared by Operation Helix, and I congratulate all those involved for their work. Hopefully, it will assist victims in coming to terms with their experiences. Police have assured the government that DNA investigations will continue to be coordinated using the Helix management model. DNA testing has proven its worth, and I say to those opposite who oppose DNA testing, 'Go and ask the victims.'

Mr Meier interjecting:

The SPEAKER: Order! The member for Goyder will come to order.

Members interjecting:

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

PUBLIC WORKS COMMITTEE

Mr CAICA (Colton): I bring up the 227th report of the committee, on the Lochiel Park Green Village Development.

Report received and ordered to be published.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 26th report of the committee.

Report received.

Mr HANNA: I bring up the 27th report of the committee.

Report received and read.

QUESTION TIME

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Transport. When did CFS chief Euan Ferguson first brief the minister on the Wangary bushfire?

The Hon. P.F. CONLON (Minister for Transport): I will bring back an answer to the house, but I would say it was at a meeting, organised by the Premier, of the Emergency Management Council on that evening. On that day, I am sure the member for MacKillop will remember I was in his

electorate at Kingston, and I drove up. To the best of my recollection, he briefed me at the same time that he briefed the Emergency Management Council.

CLIPSAL 500

The Hon. P.L. WHITE (Taylor): Can the Treasurer inform the house of the economic benefits to the state from last year's Clipsal 500 and the growth in economic benefits since the race began in 1999?

The Hon. K.O. FOLEY (Treasurer): Thank you—

The Hon. I.F. Evans: This question has already been asked.

The Hon. K.O. FOLEY: No, that was last year's race.

The Hon. I.F. Evans: Three months ago.

The Hon. K.O. FOLEY: No, my advice is that this information has only just been brought to light. This is a good news story and, as I have always said, one of the outstanding decisions of the former Liberal government. I give it full credit (particularly former premier John Olsen) for an outstanding decision to develop the Clipsal 500 V8 supercar race here in South Australia. So, full credit to the members opposite who were involved in it, and particularly, of course, former premier Olsen, and the chair of the board, Mr Roger Cook, and the board. There is some good information that I think should be shared with the house. I know that the shadow minister for tourism has been a huge supporter of the Motorsport Board and all its work, and she, too, can take full credit for her support of the event.

As we know, it is the largest domestic motorsport event Australia. The 2005 event set a new record for a domestic motorsport crowd, with 255 600 people, up from 237 400 in 2004. In 2005, the Clipsal 500 provided economic benefit of some $26 million. Since its inception by the former Liberal government, which should be congratulated, as I have said, some $130 million has been pumped in to our economy.

Mr Williams: It is a pity you didn't congratulate us on all of the good things that we did, like the AAA rating, and things like that.

The SPEAKER: Order! The Treasurer does not respond to interjections. The Treasurer has the call.

The Hon. K.O. FOLEY: Sir, they cannot even take a compliment without getting all excited.

The Hon. M.D. Rann: Without knocking; they even knock the compliments!

The Hon. K.O. FOLEY: What can I do, sir, when, as the Premier says, they even knock our compliments? The event recorded a profit of some $844 000. Independent research prepared by Economic Research Consultants shows the following: economic benefit was $26 million in 2005; when the event started it was $30 million. Visitor nights were nearly 70 000 in 2005—more than double the 30 000 that was achieved in the inaugural event. Interstate and overseas visitors were up some 7 300 this year; that is 15 600, compared with some 7 300 when the first event occurred in 1999. A particularly important statistic to show how the foresight of premier Olsen has led through, and particularly under the time of this government, is corporate attendance at the event, which is extremely important. In the first event in 1999 corporate attendance was some 16 752; in 2005, it was a massive 42 584.

The significant improvement in the event since its inception is such a stark statistic and such an outstanding achievement for the state as a whole that I thought it important that I share that information with the house. The hallmark of this government, as well as outstanding economic and financial management and delivering sustained increased services in health, education and policing, is that we are prepared to be bipartisan and share the glory when it should be shared. I take great delight in sharing the glory with the Liberal Party in what together we have delivered for the state as an outstanding, superb and absolutely startling event.

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): It is a hard act to follow, sir. My question is again to the Minister for Transport. Will the minister inform the house at what stage during the Wangarry bushfire were firebombers offered to the CFS volunteers, and who made the offer? Yesterday, the minister stated in the house that there had been no request for waterbombers. In fact, CFS Chief Euan Ferguson told the minister that they had been offered but refused.

The Hon. P.F. CONLON (Minister for Transport): I confirm what I told the house yesterday, and again, out of courtesy to the house, I answer the question, because can I simply point out that not only am I not any longer the minister but I am not even the minister representing the Minister for Emergency Services. I am not quite sure what point the honourable member is making; but what I told the house yesterday I checked and was correct.

PREMIER'S READING CHALLENGE

Ms CICCARELLO (Norwood): Can the Premier inform the house of the progress of the Premier's Reading Challenge in South Australia?

The Hon. M.D. RANN (Premier): Thank you very much.

Mr Scalzi interjecting:

The SPEAKER: The member for Hartley needs to read the standing orders which prohibit interjections. The Premier.

The Hon. M.D. RANN: I want to congratulate the honourable member for Norwood for her interest in the schools in her district. She is also, of course, helping me in terms of chairing our climate change committee, but I really thank her for her support. I know that the honourable member has taken a keen interest in the challenge, especially given her background as a librarian and knowledge of children's literature, which were highlighted when we visited East Adelaide Primary School recently.

As members of the house will know, the Premier's Reading Challenge commenced in 2004 with the purpose of improving literacy levels both inside and outside the classroom. On Friday 9 September the challenge came to a close for the second year. The results from schools are now being sent to the Department of Education and Children's Services for collating, and students will receive their awards in the fourth term. I am delighted to inform the house that the latest figures that have been given to me show that 83 per cent of schools in South Australia participated, with more than 120 000 students taking part. The South Australian Strategic Plan has a strong focus on expanding opportunity and restoring the state's leadership in education. Important to this is establishing the foundations in early childhood and building on the basic skills in primary school.

One of the targets to help improve literacy rates was to achieve a participation rate of 50 per cent of schools in the reading challenge by 2006. In 2004 we broke that record, with more than 70 per cent of schools participating in the

challenge and, with 83 per cent of schools participating this year, we have smashed the target for a second year running. The feedback to date from schools, teachers, parents and students has been overwhelming.

Public libraries have reported a massive increase in family visits during the school holidays, and schools are reporting increased interest in reading among boys. I have been told about a boy from Moonta who presented his completed form saying that he had won a medal in football the previous week and was now going to get a medal for reading. This is the balance that we are trying to achieve. I believe that it is the competitive nature of the challenge, the ability to win olympic-type medals, and the involvement of sporting stars such as Mark Bickley and Che Cockatoo-Collins as ambassadors for the program, that have contributed to its great success.

I take this opportunity to acknowledge the support and commend the efforts of the ambassadors, teachers, librarians and parents for making the challenge such a success. The reading challenge will also support the continuation of the early intervention literacy campaign of the Little Big Book Club, which is greatly supported by *The Advertiser*, and I congratulate it. This program is designed to encourage parents to read to their children from birth. It will be launched early next year and will provide the link to the Premier's Reading Challenge and give every South Australian child the best start to their education.

Along with the South Australian government, *The Advertiser*, the Big Book Club and the public libraries of South Australia are actively encouraging lifelong literacy for all South Australians. Yet, it is with great disappointment, that I note that the opposition, in particular, the shadow education minister, does not share the enthusiasm of 83 per cent of schools in this state. It is being supported by private schools, Catholic schools, independent schools; they did not have to, but they have embraced it, because it works. It is something for our kids, and once again the Liberals have attacked it. In fact, the shadow minister denigrated the program. This year the challenge continues to be supported by ambassadors such as great South Australian authors Mem Fox, Phil Cummings and Amanda Graham; sporting starts such as Mark Bickley and Che Cockatoo-Collins; Australian netballer, Natalie Avellino; former Australian hockey gold medallist, Juliet Haslam; Australian basketballer, Rachel Sporn; Olympic athletes such as Ben Wigmore and Travis Moran; and sporting identity, Jenny Williams.

Despite such support, despite the overwhelming participation of schools, despite the support of the South Australian public libraries association, despite the support of parents, and despite the overwhelming enthusiasm from the students themselves, the shadow education minister seems to think this is a bad idea. Given that the education spokesperson for the opposition is opposed to the reading challenge, I trust that she and her colleagues will not be awarding the successful students in their electorates with their certificates and medals this year.

We can assume that, if the opposition wins the state election next year, it will be stopping the Premier's Reading Challenge, and that would be a great shame for our kids. The kids love it, the parents love it, the teachers love it, the librarians love it, but the opposition wants to knock it, because it is working. I will have to work even harder to make sure that the reading challenge is—

The SPEAKER: The Premier is debating the question now.

EYRE PENINSULA BUSHFIRES

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Transport explain why both he and members of the opposition were told by the CFS immediately after the Eyre Peninsula fires that aerial bombers had been offered to the firefighters on the Monday evening of the fires but were refused, as today confirmed by the minister, when the Smith report contradicts this, saying that the request for aerial support was made of the incident operations commander by the volunteers but was not passed on?

Mr Brokenshire interjecting:

The Hon. P.F. CONLON (Minister for Transport): Apparently, it is right, because the member for Mawson said so. I invite the Leader of the Opposition to do something with which he struggles, and that is actually read the report.

Members interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. P.F. CONLON: Honestly, the member for Mawson is so rude he makes Mark Latham look like Ned Flanders!

The SPEAKER: Order! The minister should not make provocative comments, either.

Members interjecting:

The Hon. P.F. CONLON: Who's Ned Flanders? Ah, the lack of popular education! I do not have the report in front of me. It was said yesterday quite incorrectly by the opposition that there were three requests. As I understand it, there was one request, from the Wanilla captain, which was passed to his immediate superior, and it was recorded in two log books. There was only one request and that request never got to Adelaide. That is the bottom line. What I have heard from the opposition members is that they are going to go after the CFS and particularly Euan Ferguson, a man appointed by the Liberals, who has done an outstanding job. The truth is—

The Hon. DEAN BROWN: On a point of order, this is no more than supposition by the minister. It is clearly debate and contravenes standing orders.

The SPEAKER: Yes, the minister is debating. The minister should not debate the answer.

The Hon. P.F. CONLON: I will come back to it. If members opposite read the report they will find that the Wanilla captain made a request, and that request was not passed up the line and never got to Adelaide.

The Hon. R.G. Kerin: That is exactly what I am saying.

The Hon. P.F. CONLON: You asked me why we were told it was offered. We were told it was offered because that is what happened. It was offered by Adelaide to, it would have been, the regional officer over there. It was offered, and the disconnect came much further down the line. I make two points here, before members opposite continue this campaign. The first is that it is obvious that someone—and from the report it is very plain who that person is—ignored the request from the Wanilla captain and did not pass it up the line. That person, I would say, is probably feeling pretty ordinary and, can I say, is entitled to natural justice. He may have a different view. The second thing I point out and the point I made yesterday is that there is absolutely no reason at all to believe that it would have made any difference.

Members interjecting:

The Hon. P.F. CONLON: It is not. There is absolutely no reason to believe that aerial firefighting would have made any deference, because—

Mr Brokenshire interjecting:

The SPEAKER: The member for Mawson.

The Hon. P.F. CONLON: I will come back to the point. If members opposite want to pursue this individual and blame him for everything, they can keep going, because that is all they can achieve. It is all they can do.

Members interjecting:

The Hon. P.F. CONLON: How on earth can Euan Ferguson, his deputy or anyone in Adelaide take responsibility for the refusal to pass that request up when, on the evening before, they offered aerial firefighting and it was refused?

The Hon. I.P. Lewis: It all sounds a bit Irish to me.

The Hon. P.F. CONLON: The former Speaker of the house, the only Speaker I remember who had to leave in disgrace, is talking about its being Irish. I think he should leave the Irish alone. The Irish obviously have far more sense than he has. I come back to—

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson! I think the minister needs to conclude his answer.

The Hon. P.F. CONLON: The only person who can answer the question is the person who did not pass it up the line, and that person is entitled to natural justice. What about the other way? Aerial firefighting was offered and refused. If you want to go after the people who did it in those circumstances, go right ahead. It is just grubby.

The Hon. R.G. KERIN: Sir, I take some offence to the 'grubby' comment. I have a supplementary question. Is the minister trying to say that the volunteers actually knocked back aerial support?

The Hon. P.F. CONLON: I'm not saying anything. I'm telling you to read the report. The offer was made—

Members interjecting:

The Hon. P.F. CONLON: Go and read the report. Ask Bob Smith, if you like, to whom the offer was made.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Whom do you think it was made to?

An honourable member interjecting:

The Hon. P.F. CONLON: Well, read the bloody report. Mate, I know you don't like the Premier's reading challenge, and I can see why. It's very challenging.

The Hon. R.G. KERIN: On a point of order, Mr Speaker—

Members interjecting:

The SPEAKER: Order! Some members need to read the manners challenge. The member for Enfield.

SCHOOL PRIDE PROGRAM

Mr RAU (Enfield): Thank you, Mr Speaker. My question is to the Minister for Education and Children's Services. What impact has the state government's School Pride program had on our government schools and preschools?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): It is no secret that we inherited a huge backlog of maintenance works from the Liberal government. In the first year of our government, we lifted the maintenance budget to $12 million from the $10 million they spent in the previous year. Subsequently, we invested $17 million in a better schools program specifically targeted at improving wet areas and outdoor play spaces. In addition, last year the Premier and I announced a $25 million School Pride budget, bringing expenditure last year to $40 million, which amounts to four times the funds spent—

Members interjecting:

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

Mr Scalzi interjecting:

The SPEAKER: Order, the member for Hartley! The minister is talking about schools. I should have thought that behaviour in schools is better than some of the behaviour in this place. The minister has the call.

The Hon. J.D. LOMAX-SMITH: I remind those opposite that children are in the gallery, and it would be appropriate for them to behave accordingly.

Mr BRINDAL: On a point of order, Mr Speaker. It is, in fact, disorderly to refer to members in the gallery. That is in standing orders; it is not an innovation.

The SPEAKER: Order! Yes, it is out of order to refer to people in the gallery, other than in a very general sense. Has the minister finished?

The Hon. J.D. LOMAX-SMITH: I was explaining that we spent four times the amount spent in the last year of the Liberal government. In particular, last year we funded 2 300 projects in government schools and preschools. Those projects ranged from small projects, such as new guttering and asbestos removal, with a value of $1 million. More than 100 000 square metres of asbestos was removed in the 2004-05 financial year through the School Pride and annual maintenance fund budget. We upgraded school laboratories in six schools and provided new signs to all schools and preschools. In addition, we have funded some activity in all schools that were more than five years old, particularly targeting paint work and external repairs.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Transport!

The Hon. J.D. LOMAX-SMITH: Every state school and preschool in the state has benefited from the School Pride program and, in the honourable member's electorate of Enfield in particular, Kilburn Primary School, where there was a program to replace existing windows with graffiti and vandalism-proof glass and painted window surrounds, guttering and verandah posts. In addition, at Ridley Grove R-7 School, worn and weathered woodwork has become a thing of the past. The school has also removed a science building, opening up the school and improving its outdoor space and general appearance. These have been fine projects. I thank the member for Enfield for promoting and advocating for this activity.

We have had such positive feedback from school communities that we recognise that the School Pride project has done exactly what we wished. It has allowed communities to value and feel pride in their local schools and has encouraged young people to enjoy their schooling.

EYRE PENINSULA BUSHFIRES

Mr BROKENSHIRE (Mawson): Will the Minister for Transport assure the house that aerial water bombers were not withheld from the Eyre Peninsula fires on Monday 10 January at Wangary because of cost constraints?

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order! The Minister for Transport will get a chance to answer in a minute.

Mr BROKENSHIRE: Page 79 of the Smith report identifies costs associated with deploying aerial bombing aircraft as one of the considerations made before calling on these resources.

The Hon. P.F. CONLON (Minister for Transport): Really, they start at the top of the barrel and get right down

to the bottom and scrape through the bottom. The member for Mawson, as a former minister, should know this. If it was a problem, it was a much bigger problem under the previous government, because we have increased aerial firefighting by more than double. Year by year in this state we have increased aerial firefighting resources. There are now more resources than there were two years ago; it is now much more than it was then. So, I will ask the question: the member for Mawson, who plainly cannot read—

Mr Brokenshire: Page 79, mate.

The Hon. P.F. CONLON: They are so ordinary, sir. I have read the report, and I was there and received the same briefing from the chief officer as did the member for Mawson. He may not trust the chief officer. Aerial firefighting was offered and was refused. I do not know what the member does not understand about that. If the member does not believe me and he does not believe him, he has a real problem.

Mr Brokenshire interjecting:

The Hon. P.F. CONLON: The member was told: his people were told by the chief officer that aerial fire fighting capacity was offered and refused. If the member does not believe me and if he does not believe the chief officer, I cannot give him any more assurance. It had nothing to do with costs. Any time one puts an aircraft in the air it will cost money, so one makes sure that it is a wise decision. So, they ask the people on the ground if they need it, and they said no.

That is the bottom line: end of story. The member can grub around all he likes. If he wants to know who has increased resources to emergency services in South Australia, it was this government, which doubled aerial firefighting capacity. Who tried to modernise structures for emergency services on the runway?

The SPEAKER: Order! The minister is debating now.

The Hon. P.F. CONLON: It was this government. Who fought it tooth and nail? Those shabby people on that side.

Mr BROKENSHIRE: Sir, I have a supplementary question. Given the minister's answer, will the minister instruct Dr Bob Smith to speak to the opposition regarding the report? Yesterday the minister told me to contact Dr Bob Smith for information. We have left a message with Dr Bob Smith and we have received no response, and we are not getting answers from the minister, either.

The Hon. P.F. CONLON: Can I give two answers to that? The first is that I will not instruct Dr Bob Smith: we have not instructed him on anything, because he is independent. We sent him to carry out an independent inquiry, and I will not be instructing him. The second reason why I will not be instructing him is that I am not the Minister for Emergency Services. So, it would not do me a lot of good, anyway.

What I will do (because I have respect for Dr Smith, even if the member does not) is try to open a line of communications to him and say, 'It is our view that they should talk to you, like they have spoken to everyone else.' If the member had bothered travelling to Eyre Peninsula a bit (we did not see him there a lot), he might have run into Dr Smith: he might have been able to make a submission to him. I will not instruct him, because I will preserve his independence (which is something those people do not understand a lot about: we saw that with the Auditor-General time and again). It is my strong personal view, not as the Minister for Emergency Services (and I will ask Carmel to make the same approach to him), that he should talk to members of the opposition and see whether they have anything worth while to cite and provide whatever information they want.

This was an entirely open and independent report that was done by us. On the one hand, they want to rely on it and, on the other hand, they want to question the veracity of it—and then they want to attack the bloke who wrote it for not answering their phone calls within 24 hours. Breaking news: he might not know who the member is—like most people in South Australia!

SUPPORTED RESIDENTIAL FACILITIES

Mr CAICA (Colton): My question is to the Minister for Housing. How is the government assisting proprietors of supported residential facilities in relation to fire safety for residents?

The Hon. J.W. WEATHERILL (Minister for Housing): Since 2003, the government has been providing extraordinary levels of support for the SRF area. Supported residential facilities is a for-profit sector, but, nevertheless, it is a very important part of the service system of providing support for people with disabilities. We conducted an inquiry and sufficient evidence showed that a number of closures were either imminent or had occurred, and the government put together a package in the nature of a rescue response for the SRF sector. The financial pressures on the SRF sector are not new. Indeed, they have been around for as long as the process of devolving people into community-based accommodation—and that has been occurring over the past 30 years.

What happened in more recent times was that a number of these premises enjoyed very substantial increases in the value of their property, so a number of proprietors, who were dealing with very marginal businesses, took the opportunity to sell those businesses. Therefore, we needed to intervene, and we intervened quickly. I pay credit to the former minister for social justice in this regard. She designed a package of support, which included a sustainment package. It has slowed the rate of closures of these supported residential facilities.

However, a new threat began to emerge in that a number of fire safety committees—locally inspired fire safety committees—began to take a special interest in the supported residential facilities and, when they did that, they found that many of them were not compliant with the standards that they expected for fire safety. This meant that many of them had to expend a substantial proportion of their money to upgrade their facilities or, indeed, put in place other recurrent expenditure which sought to ameliorate the fire safety risk.

We have now decided to provide $2.7 million of state government grants for which owners of those facilities can apply to cover a proportion of the full cost of installing a residential fire safety system. That arrangement will ensure that the SRF operators will be able to obtain the necessary capital upgrades to their facilities to ensure that those facilities are not at risk of closure. It may also have the effect of releasing some recurrent expenditure that they are presently using to make up for the fact that they are not fire safety compliant. This is part of the continuing package of support for supported residential facilities.

We know that there are serious questions about the long-term viability of this sector and how it fits within our service network, and we will continue to work with the SRF sector to meet those challenges.

EYRE PENINSULA BUSHFIRES

Mr BROKENSHIRE (Mawson): My question is again to the Minister for Transport, representing the Minister for Emergency Services. What action has the government taken to ensure that breakdowns in communication within CFS management similar to those that occurred during the Eyre Peninsula bushfires will not be repeated in the upcoming bushfire season? Yesterday, the minister stated to the house that the reason why water bombers were requested but the information was not passed on was 'a breakdown somewhere along that line of communication and it did not get to Adelaide'.

The Hon. P.F. CONLON (Minister for Transport): I can assure the house that that is something that the CFS and the current minister take very seriously.

The Hon. I.P. Lewis: Breaking news or breaking wind?

Mr Koutsantonis: Who's that?

The Hon. P.F. CONLON: I do not know. I can barely hear him; I cannot see him. I can probably see and hear him better than the member for Unley, but he is a long way away. He is making some reference to some rather crude things. I'm sorry, it is rather off-putting, my being a very well mannered man. It is something that has been taken extremely—

The Hon. K.O. Foley: Who is Ned Flanders?

The Hon. P.F. CONLON: I cannot believe—

Members interjecting:

The SPEAKER: The house will come to order. The minister will answer the question.

The Hon. P.F. CONLON: The member for Mawson would be aware that, in addition to the independent report commissioned by this government, the management of the CFS itself engaged in a 'lessons learnt' exercise. I am advised that many of the matters identified by Dr Bob Smith were also identified in that exercise, and action was taken. Again, I stress that, as alien as it may be to the honourable member, the findings of that report are now with those people. I know one place where Bob Smith will be if the honourable member really wants to catch up with him: he will be on the Eyre Peninsula. It would do the honourable member good to visit. He will be there next week following up.

As I understand it, many of those things referred to in Bob Smith's report have already been identified and acted upon by the CFS. It is taken extremely seriously. It is sad that the line of questioning for the last two days has attempted to colour the CFS as an organisation which has many problems and which has placed people at risk. It is an absolutely unfair attempt to colour the CFS as that organisation. It is an organisation that has done a sterling job for South Australians. I point out that members opposite want only to refer to the bits they like in Bob Smith's report, and one is that no great wrong was done by any individual or groups of individuals.

Mr BROKENSHIRE: I rise on a point of order, Mr Speaker. This is not relevant to the question. The question is about what action will be taken. Everyone knows that we support the CFS.

The SPEAKER: Order! The honourable member has made his point of relevance. The minister needs to wind up his answer.

The Hon. P.F. CONLON: Thank you, sir. I just make the point that this line of questioning achieves the objective, and it is intended to undermine confidence in the CFS. I have confidence in the CFS and in the management of the CFS, and I have confidence in reference to the question that it has acted upon the findings. I point out, though, that some of the findings affect individuals, and they are entitled to natural justice and to be able to give an answer to it, just like members opposite tried to pay lawyers to defend their wrongdoing ministers with the Auditor-General. Apparently, that same sort of courtesy will not be afforded to people who fight fires for us.

TAFE

Mrs GERAGHTY (Torrens): My question is to the Minister for Employment, Training and Further Education. What recognition have TAFE staff received for their work with students who have suffered brain injuries?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I would like to thank the honourable member for her question, because it is particularly appropriate given that this is Brain Injury Awareness Week. When I look around the chamber, a number of members have been previous ministers with responsibility for TAFE, including you, sir, the Premier, the member for Light and the member for Unley, as well as the Minister for Education and Children's Services.

I think all members would agree that the effort from TAFE staff, which is quite often beyond their responsibilities, has always been outstanding. I experienced not only pride but also much sadness when I visited the Eyre Peninsula after the bushfires and I saw the effort that TAFE staff, along with the community, had put into building the water supply, for example, in addition to other things, including fighting the fires. TAFE has a very good story to tell.

I would particularly like to recount a story about a car accident that involved an apprentice. He incurred a brain injury, and it looked like his dream of being a toolmaker was not going to happen. He had the accident when he was 17-years old, when he was in the second year of his toolmaking apprenticeship at TAFE's South Australian Regency campus. The accident left him in a coma for three months. He has now been rehabilitated. He is back at work, thanks in large part to the dedication and compassion of the TAFE staff, particularly Tim Jones. Last night Tim's dedication to coordinating the apprentice's training and return to work earned him the Service Excellence Award from Her Excellency the Governor, Marjorie Jackson-Nelson, at a reception at Government House.

Tim Jones organised training for the apprentice that catered for his gradual recovery from his injuries, and he negotiated with a number of employers to enable the apprentice to continue his apprenticeship. Tim worked closely with the Brain Injury Unit at Hampstead (in the electorate of the member for Torrens), and personally counselled, encouraged and supported the apprentice in his efforts to return full time to work and study. Tim says it is the apprentice who really deserves the credit for his unwavering determination and perseverance to overcome his injuries, particularly when a previous employer cancelled his contract of training. The effect on the right side of his body meant that modifications needed to be made for his training. He has a revised schedule involving more flexible hours and smaller classes to allow for more personalised care.

There was more focus on computer-aided design instead of operating heavy machinery, and I am pleased to say that he is now employed at J.R. & A.M. Abbott Engineering at Holden Hill, and I think we should recognise that employer for having the foresight to ensure that he had a very valuable member of staff on board. Tim's personal efforts I think have shown that not only as a practitioner in teaching but also at

a personal level he is a real credit to his profession and also to TAFE. I congratulate him, and I am sure all members of the house would agree with me that he certainly deserves this award.

Mr BRINDAL (Unley): I have a supplementary question to the minister. How well has this government performed in the employment of people such as brain injured people in the last three years? Ongoing governments for about the last decade and a half have been equal opportunity employers and have constantly stated that they would employ people with disabilities but, in many governments, the results have been disappointing.

The Hon. S.W. KEY: I thank the member for Unley for his question, because this is an area not only of great interest to me but also of importance to the TAFE sector. On an ongoing basis—and I know this happened under the previous government also—there has been a commitment in our Access and Equity Unit in TAFE to ensure not only that we provide training that is accessible but also that our employment programs under the SA Works and Regions at Work banners have that emphasis. I am advised by the Minister for Families and Communities that we have one of the highest records in Australia with regard to supporting people getting back into work or getting into work in the first place through specialised training. If the member would like, I am very happy to bring him a detailed report about some of the innovations we have made over the past three years.

EYRE PENINSULA BUSHFIRES

Mrs PENFOLD (Flinders): My question is to the Minister for Transport. Will the minister inform the house why key recommendations of the 2001 Tulka fire report were not acted upon? One of the recommendations of the Tulka fire report was that the government should reach an agreement with local area crop spraying contractor Kevin Warren to enable him to legally respond to fires. Part of this agreement included fitting Mr Warren's planes with GRN radios, which is something I understand still has not been done.

The Hon. P.F. CONLON (Minister for Transport): I will get a report from the Minister for Emergency Services on the state of negotiations with Mr Warren. I point out that the opposition should tell the whole story, because 23 of the 28 recommendations of the Tulka fire report were met in full.

An honourable member interjecting:

The Hon. P.F. CONLON: That is right: let us not talk about the 23 but only about the other five. I will get a report on the progress of those discussions for the member for Flinders. I know at least I will identify it as an issue that she has raised on a number of occasions. I understand there have been some discussions—we had arranged some when I was minister—so I will see where it is at.

Mrs PENFOLD: My question is again to the Minister for Transport. What action has the government taken to ensure that private water bombing contractors will be allowed to fight fires this fire season without having to immediately meet what has been described as ridiculously unrealistic criteria set by the CFS? Local crop duster contractor Kevin Warren offered his services to the CFS on both Monday afternoon and Tuesday morning of the Eyre Peninsula fires, but these offers were not taken up. It was not until midday on Black Tuesday that the CFS finally asked Mr Warren to assist with the firefighting effort. By this stage, the fire was completely out of control. When the request finally came through to Mr Warren, the CFS said he had to immediately satisfy non-negotiable criteria before the CFS would utilise his services, including doubling his public liability insurance. Mr Warren had no hope of complying with the wishes of the CFS at such short notice. However, he flew his planes regardless.

The Hon. P.F. CONLON: I cannot see much difference between that and the previous question. I will get a report from the minister. It will be Liz Penfold's own reading challenge for her, with the length of that explanation.

MENTAL HEALTH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Will the Minister for Health confirm that the government has moved a psychiatric registrar from the Western District Mental Heath team to the Royal Adelaide Hospital and a psychiatrist, on part-time basis, from the Rural and Remote Services at Glenside to the Royal Adelaide Hospital? What has been done to fill the gaps left in the other two mental health teams as a result of those moves? The minister today boasted in a press release that she has made two new psychiatric appointments at the Royal Adelaide Hospital. However, I have been told by reliable sources—as the government found out from the front page of the paper the other day; it has not denied any of what I released on Monday—that a psychiatric registrar from the Western ACIS mental health team has been moved to the Royal Adelaide Hospital, and the government has also moved a psychiatrist from the Rural and Remote Mental Health team at Glenside to the Royal Adelaide Hospital, which is the basis of the minister's claim. In other words, there are no new staff within the total mental health team, it is simply shifting the seats.

The SPEAKER: Order! The Deputy Leader is commenting. The Minister for Health.

The Hon. L. STEVENS (Minister for Health): This Labor government has done well in terms of recruitment of doctors. We have over 300 more doctors working in our health units; we have over 1 000 nurses working in our health units; and we have more than 118 extra beds in our metropolitan health units. I will get the detail of the answer for the Deputy Leader.

The Hon. DEAN BROWN: I rise on a point of order, Mr Speaker. My question is very specific indeed, and the minister has not answered that question, nor attempted to answer it.

The SPEAKER: Order! The Minister for Health said that she will get the details and come back. The member for Giles.

FARM SAFETY

Ms BREUER (Giles): My question is to the Minister for Industrial Relations. Will the minister provide an update on the government initiative to improve safety on farms?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the member for her question. The government is actively involved in a national coordinated campaign focusing on the safety of machinery being sold to farmers. There can be a lot of risks involved in farming, and we are committed to reducing the terrible toll of work injuries and deaths on farms. In the past year, over 300 workers in the agricultural sector sustained injuries requiring at least five days off work. Many of these injuries involved farm machinery, and many of these injuries were preventable if proper

safety procedures had been used. This campaign is all about stopping injuries on farms. The campaign will raise awareness about the legal obligations of everyone involved in the supply of farm machinery. There will be visits to manufacturers, importers, suppliers and retailers. A key objective is to ensure that everyone in the supply chain of farm machinery takes workplace safety requirements seriously. The result will be safer farms, fewer deaths and fewer injuries, and that has to be a great thing for everybody.

In the coming months there will be about 100 audits of manufacturers, importers and suppliers of agricultural machinery. The audits will focus on machinery which is so far too often involved in serious harm to farmers: tractors, tractor attachments, grain augers and attachments for all-terrain vehicles. Industry briefings will commence this month in Adelaide. Briefings will also be held in four regional centres: Kimba, Crystal Brook, Barmera and the Coonawarra. The audits will take place—

Mr BRINDAL: I rise on a point of order, sir. Questions without notice, according to standing orders, are an opportunity for people members to seek answers to matters of government business. I just draw your attention to the fact that this appears to be a ministerial statement, which is provided for under the standing orders in another part of the agenda.

The SPEAKER: Order! During question time there is some latitude. I do not think that the minister has gone beyond the bounds of reason at this stage.

The Hon. M.J. WRIGHT: The audits will take place in October and November this year. A key element of the project has been the involvement of representative associations such as the Motor Trade Association and the Tractor and Machinery Association of Australia. They have been involved in consultation throughout the development of the project and fully support its aims and objectives. The government's investment in workplace safety has delivered a far greater ability to undertake pro-active prevention activities like this particular campaign.

PORT STANVAC OIL REFINERY

The Hon. W.A. MATTHEW (Bright): Will the Treasurer advise the house why the government has given Mobil until 2019 to exit the Port Stanvac site? Documents released to the opposition under the Freedom of Information Act include a draft press release that differs from the one that was issued to the media concerning the deal between Mobil and the government in November 2004 that states:

> In just over two and a half years (by July 1, 2006) Mobil will announce whether it intends to reopen the refinery or permanently cease operations.
>
> If, by 2006, Mobil believes economic and industry circumstances are too uncertain to make a final decision on reopening or closure, the company can decide to extend the mothballing period of the refinery for a maximum of a further three years (until July 2009).

It goes on to say:

> If Mobil fails to remediate the entire site within 10 years of a permanent close (that is, 2019) the state government can have the work done and send the bill to the company.

The Hon. K.O. FOLEY (Treasurer): At the beginning of this answer I advise the house of something far more important—

Mr Brokenshire: Nothing is more important than what happens in the south!

The SPEAKER: Order, the member for Mawson!

The Hon. K.O. FOLEY: Nothing that the member has said is news: it has been on the record for some time. I can say that I have been advised that Ned Flanders is Homer Simpson's next door neighbour. I worry that the member for Kavel knew that. The government has been very consistent—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order, the member for Davenport!

The Hon. K.O. FOLEY: A sense of humour; something that members opposite do not possess.

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. K.O. FOLEY: Absolute arrogance, sir. What? To admit that I do not know the characters of *The Simpsons*—I thought that could be a little embarrassing, but never mind. A bit of humour does not go astray in this place.

Mr Williams interjecting:

The Hon. K.O. FOLEY: Lighten up over there.

Mr Williams interjecting:

The Hon. K.O. FOLEY: Lighten up.

The SPEAKER: Order, the member for MacKillop!

The Hon. K.O. FOLEY: Let's try and get through this hour with a bit of levity occasionally. I am meeting with Mobil today. We have made it very clear that we want Mobil to either open up that refinery, make it available to a third party for competitive forces to work better in this state or, indeed, to exit the site, and we intend to do that. I notice in *The Financial Review* today—

An honourable member interjecting:

The Hon. K.O. FOLEY: I do not trust ExxonMobil. Members opposite might like ExxonMobil; I do not. I do not think they can be trusted. I think that they are a multinational oil company that has absolutely no concern about the motorists of South Australia.

The Hon. W.A. MATTHEW: I rise on a point of order, sir. My point of order comes under section 98 and is one of relevance. The question, sir, was why—

The SPEAKER: You do not have to repeat the question. The Treasurer will answer the question.

The Hon. K.O. FOLEY: The pigeon pair is back together. Bib and Bub are back together.

The Hon. M.J. Atkinson: And exiting at the same time.

The Hon. K.O. FOLEY: That is right. Ned Flanders and Homer Simpson.

The Hon. DEAN BROWN: I again rise on a point of order. You, sir, are often pointing out the behaviour in this house, and there could be no worse behaviour, poor treatment or disrespect of this parliament in answering questions than that exhibited by the ministers this afternoon.

The SPEAKER: Order! The Treasurer will answer the question and then sit down.

The Hon. K.O. FOLEY: I apologise, sir. I was just trying to inject a bit of levity into the parliament. I thought that might help us get through the day.

The SPEAKER: Order! Just answer the question.

Ms Chapman: Grow up!

The Hon. K.O. FOLEY: 'Grow up,' says the lawyer member for Bragg or something. An article in *The Financial Review* today has confirmed my fears in that there has been a decision by ExxonMobil to scale down its process of fuel from its Melbourne refinery. I do not believe that Mobil intends to reopen that plant.

The Hon. W.A. Matthew interjecting:

The Hon. K.O. FOLEY: The member for Bright agrees with me: I am glad he does. Therefore, if Mobil cannot make a decision in the next few months to reopen, when oil prices are at the height they are, then it never will. We are going to make very clear to Mobil that it either makes that decision or

we will legislate. I take it from the members opposite that they will support legislation in the next parliament to remove Mobil. I assume we have that support, do we?

Members interjecting:

The Hon. K.O. FOLEY: No, they do not want to give us that support. They are playing silly politics. The challenge to members opposite is: do they support this government legislating to remove Mobil, yes or no?

Members interjecting:

The SPEAKER: The house will come to order. The deputy leader was recently querying the behaviour of members opposite him, when his own behaviour just then was nothing to be proud of.

The Hon. W.A. MATTHEW: As a supplementary question, in view of the Treasurer's previous answer, is he now prepared to provide to the opposition a copy of the agreement that has been signed with Mobil, detailing the terms and conditions of shutdown, closure and remediation of the site that to date the government has refused to release and make public?

The Hon. K.O. FOLEY: I will check that. I do not think we have refused to release anything other than the EPA report, and my understanding, and I will have this checked, is that its ownership rests with Mobil. I have said to my people that I am happy for it to go out. It is very big, and I am sure the honourable member will have fun reading it.

The Hon. W.A. Matthew interjecting:

The Hon. K.O. FOLEY: I will go back and check that. I am relaxed about the honourable member having whatever information, but with information that is the property of Mobil we will have to get the approval of Mobil.

The Hon. I.F. Evans interjecting:

The Hon. K.O. FOLEY: I have asked that question. The EPA has undertaken that work on behalf of Mobil and it is its property. That is the advice I have been given, from memory. I will check that, because I have nothing to hide. I will come back to the house with that information.

Members interjecting:

The Hon. K.O. FOLEY: No, my understanding is that the environmental report has been undertaken, I assume to be given to the EPA, although I am not sure of the exact nature of the report. I will have it checked out because, as I have said, I am happy to have it released.

ROAD SAFETY, SCHOOLCHILDREN

Mr SNELLING (Playford): My question is to the Minister for Education and Children's Services. How is the state government improving road safety and ensuring that children get to school safely?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): The honourable member knows that the safety and wellbeing of children in their trips to school and their understanding of road safety in general is of paramount importance to this government. To develop safe and responsible attitudes in our road users is vital, and we are committed to implementing road safety programs that operate from reception to year 12 throughout the entire curriculum. Much of that is not about road safety per se but also involves mathematics, in stopping times and the velocity of cars, and is a cross-curricular activity. In particular, we are promoting safe routes to school. These apply as a community-based service to both public and private schools and allow improved road safety, particularly for primary schoolchildren travelling in their local area.

The programs are developed with the cooperation of local government, Transport SA, the schools and communities. The program operates by rolling out a series of surveys on how children actually get to school, what it is they encounter that puts them at risk, whether it is as a cyclist, a pedestrian or a passenger. We have invested $200 000 in safe route infrastructure for the 2005-06 year. We use the survey to work out where the local problems are and invest in such infrastructure as new safety fencing close to crossings, to stop children spilling onto the road when they are in a huddle; improved signage around schools; and better use of school zones. We also installed Safe Route to School signage, which encourages children to use safe crossings and safe pedestrian routes. We made improvements to various signals and ramps in the area.

We are particularly keen to make sure that our schools teach children good life skills. Survival techniques are not enough, but knowing how to deal with the heavy and increasing traffic around schools is so important. Our Safe Routes to School program complements our reception to year 12 programs and is part of the many ways in which we are keeping children safe on their route to school.

SCHOOLS, LIBRARY BOOKS

Ms CHAPMAN (Bragg): Can the Minister for Education and Children's Services explain why a book called *The Bad Book* by Andy Griffiths is now kept in primary school libraries? Every one of the 50 poems and stories the book contains depicts children and adults being cruel, violent and disgusting. I will read just one poem as an example:

> Little Willy took a match
> And set fire to the cat.
> Said Little Willy, as it burnt,
> 'I bet the cat hates that.'
> Little Willy took a match
> And set fire to his bum.
> Said Little Willy, as it burnt,
> 'Gee, that was pretty dumb.'
> Little Willy took a match
> And set fire to his head.

An honourable member interjecting:

Ms CHAPMAN: Do you think this is funny? It goes on:

> Said Little Willy as it burnt,
> 'Soon I will be dead.'

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): Now we know why the opposition spokesperson for education does not approve of the Premier's Reading Challenge: she does not like the quality of books in the library. However, a committee of—

Members interjecting:

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

The Hon. J.D. LOMAX-SMITH: —educationalist experts looks at these matters and decides whether books should be on the Premier's Reading Challenge list and which books should be in the library.

Ms Chapman interjecting:

The Hon. J.D. LOMAX-SMITH: No, I do not check every book. However, if the member for Bragg is offended, we are very happy to look at her book and see whether it is suitable for her to read.

ABS, POPULATION FIGURES

Ms CHAPMAN (Bragg): My question is to the Premier. What figures does the Premier have that show a better result for South Australia's population than figures released by the ABS, and will he table those figures in parliament? Today's *Advertiser* reports that yesterday the ABS released national charting which showed the following:

> The state had the second largest net population loss in 2003-04—3 200 people—behind New South Wales.

It goes on:

> The exodus was more than double the net loss of 1 500 people the previous year.

The report continues:

> A spokeswoman for Premier Mike Rann said the Government's own figures were more recent and suggested a better result for SA.

The Hon. M.D. RANN (Premier): The member is dealing with the 2003 figures. That might be seen by the shadow minister to be recent. I understand that new figures will be coming out in the next few days.

Ms CHAPMAN: On a point of order, Mr Speaker, the question was very specific. I asked what the Premier was relying on and whether he would table it.

The Hon. M.D. RANN: I am very happy to come back and report on the success of a number of our migration initiatives. Quite frankly—

Members interjecting:

The Hon. M.D. RANN: We are very happy to compare what is happening in migration compared with the previous government, when your hero was premier.

HOSPITALS, GLENSIDE

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

Leave granted.

The Hon. L. STEVENS: I wish to advise the house that on 19 September 2005 a patient being treated for schizophrenic illness at Glenside failed to return to his ward after being on approved leave. I am advised that this leave was a planned clinical decision by the treating psychiatrist as part of his management plan, in that he was to be transferred to open wards within a relatively short period of time. The clinical judgment was that he was stable and well medicated.

This man did not return to Brentwood ward from unescorted ground leave at the approved time. A search commenced of the entire 34 hectares of the campus, and a missing person report was then faxed to the duty nurse manager. His family was informed of his absconding on the same day. As per the protocol, the police were also informed. I am advised that the patient has been in hospital on this admission since early August, that during this time he has not been violent and that medications were up to date at the time of absconding. As is the case with all these situations, the matter is in the hands of the police.

GRIEVANCE DEBATE

SCHOOLS, LIBRARY BOOKS

Mrs PENFOLD (Flinders): Today we heard from the Premier once again about the Premier's Reading Challenge in our primary schools, and we have seen him reading books to young children. However, it makes me wonder whether he and the teachers and parents are aware of what is in these school libraries when books such as *The Bad Book* are brought to my attention. If they are aware of such books being readily available in primary school libraries, do they condone them in allowing them to stay there? We are all aware of cruelty to animals, and there was mention in today's *Advertiser* of a cat being cut in half. Suicide is also a major problem in our society. So, what message does it send when these things are made light of in children's books, as quoted by the member for Bragg in her question today. I wish to quote two of the verses from *The Bad Book*, as follows:

> Little Willy took a match
> And set fire to the cat.
> Said Little Willie, as it burnt,
> 'I bet the cat hates that.'
> Little Willie took a match
> And set fire to his head.
> Said little Willie, as it burnt,
> 'Soon I will be dead.'

They are not life affirming poems. What an example for young children: be cruel to animals, then set fire to yourself and die. There are 50 such poems in this book, all of which depict children and adults being violent, rude, selfish and disgusting. I know some people will say that it is meant to be black humour and ridiculous but, in my view, primary school aged children are too young for this sort of subversive reading. This book even depicts parents being cruel to their children. One mother allows her child to be eaten by a lion, and another watches her son being run over by a truck after letting him run across a six-lane highway.

Recently, a grandparent brought this book of poems into my office. She was upset because her eight year old grandson had borrowed it from the school library. She believed it was full of gratuitous violence and that children should not be exposed to it, and I could not agree more.

In August 2005, the *Primary School Newsletter* from one of the 72 education institutions in my electorate put at the top of its front page, under the school's name, the unattributed saying: 'It takes a community to educate a child.' How true that is, and we have some wonderful communities, teachers and parents who do their very best. That particular community is an outstanding one, but it should not be undermined insidiously through the inappropriate reading matter to which its children are being exposed at a very vulnerable and impressionable age—and from their school libraries. The same newsletter states:

> A child who lives with criticism learns to be critical. A child who lives with encouragement learns to encourage.

It follows, therefore, that a child who lives with negative inputs learns to be negative, and a child who lives with positive inputs learns to be positive. It is all about attitude and how we approach life and its challenges. I feel sorry for the authors of this book. They must have had rotten lives to be able to pour out such horrible words. However, they should not try to contaminate others, particularly the young, with their filth and negative attitudes.

In August the following extract from Sarah Huxtable of Seaford appeared in the phone talk-back section of *The Advertiser*. It stated:

> I don't get it. What compels a person to senselessly hurt another? My sister was asked for cigarettes by two males en route to a phone box. She had none, and for that she got a broken nose, four stitches in her face and two broken fingers.

And is it so surprising that we hear on television this week about cannibalism and someone saying that, to do such a barbaric act, the people concerned must have been very desensitised to the difference between right and wrong when the concept is being blurred from such a young age? It involves not just this book: it is the whole onslaught of this type of information. The book is only a symptom of the problem, as I see it, with children already able to access violent and disturbing images on DVDs, video games and the internet at home if they are not properly supervised. The television news and newspapers are full of it, with little attempt to balance it with positive stories or to try to put it all in perspective. Surely in a primary school library we can expose children to some of the good things in life to try to counter what they are already seeing around them.

I am most concerned that the education department has presumably given this book its stamp of approval by allowing it to be kept in primary school libraries, along with several other titles by the same author, including *The Day My Bum Went Psycho* and *Zombie Bums from Uranus*. The more children and adults are exposed to violence, whether it is real or fictional, the more desensitised they become until violence becomes an almost normal part of life. The fact that this book is available from a primary school library gives the message to children that adults, teachers and parents think it portrays normal behaviour and presumably approve of it at, an age when they are too young to judge for themselves.

Time expired.

GOLDEN GROVE FOOTBALL CLUB

Ms RANKINE (Wright): This is the 10th anniversary of the Golden Grove Football Club, a very special milestone in the club's history, and I take this opportunity to publicly acknowledge all those involved in the club for their efforts, commitment and dedication. It is their 10th anniversary and it is also their first year at their new oval at Harpers Field. They love their new oval, and I know that they are looking forward to their promised new clubrooms.

The year 2005 has been a particularly good year for the Golden Grove Football Club. Indeed, in correspondence I received from the past president of the football club, he used words such as 'amazing', 'fantastic' and 'inspirational' when describing both their achievements and effort that has been put into achieving this success—and he was not exaggerating. He wrote:

> Dear Jennifer,
>
> I wanted to drop you a line just to let you know what an amazing and comprehensive year of football it has been at the Golden Grove Football Club that has surpassed any record by our club and by any club in this area in 2005.
>
> We are celebrating with two junior premierships in 2005 being the very first for Golden Grove Football Club!
>
> We are also celebrating our 10th year as a football club and one of the largest in South Australia.
>
> We have 16 junior teams from under six through to under 16 in the North-East Metropolitan Junior Football Association and four senior teams in the South Australian Amateur Football League being under 17, C grade (Div 9N), B grade (Div 5 reserves) and A grade (Div 5).
>
> For premiership points and finals campaigns in the NEMJFA junior association, the age groups start at under 11, and the Golden Grove Football Club had a team participate in the final series in every single age group possible being under 11, under 12, under 13, under 14, under 15 and under 16.
>
> Furthermore, four of these teams went on to play in grand finals, and our under 16 and under 13 teams won the grand finals to become premiers, the very first for Golden Grove Football Club since inception.
>
> Our C grade and B grade South Australian Amateur Football League senior sides also played in the finals series and our B grade side went on to play in a preliminary final fighting way above their weight and just lost the preliminary final by four points.
>
> All in all, we had 10 divisions in junior and senior ranks that had the opportunity to play in finals, and Golden Grove Football Club filled eight of the 10 positions with two flags being the outcome.
>
> This outstrips any previous success GGFC has had by a long way in finals campaigns and we are extremely confident that this comes from the professional direction, planning and strategies we have put in place over the last 10 years to deliver this outcome.
>
> To have achieved this in our 10th year is a truly inspirational performance from everyone on and off the field at Golden Grove Football Club and a testimony to our club's great commitment to the community and our members.
>
> We are celebrating a great year for the Golden Grove Football Club and the Golden Grove community!! Ian Graham has done a fantastic job, as the incumbent President. Thanks for your time and support which has been absolutely magnificent.
>
> Best regards, Adrian Case.

Year in, year out, I have seen so many people dedicate their time and effort to ensuring that this football club operates—administrators, coaches, support staff, fund raisers and the people who work the canteen, operate the bar, wash the guernseys and, importantly, get their kids to their games and support them. They are showing our young people through their actions—not simply words—that they matter. They are showing that they are cared about. They are guiding them through life's difficulties. They are being taught how to be a good sport and to develop pride in their club and community. They are encouraged not only to aim to do their best but also how to be part of a team and to work for the benefit of all.

I was delighted in 2002 when Golden Grove won its first senior grand final. In 2003, it won its first A grade grand final. This year (2005) it has won two junior grand finals. The youngsters have now matched their seniors' teams—a great effort and well done! The benefits to our community of engaging so many young people in sporting activity is immeasurable; and, on behalf of my community, I say thank you to all at Golden Grove Football Club.

TREES

Mrs HALL (Morialta): Today I want to draw the attention of the house to a very serious problem which affects the safety of my constituents in Morialta and, I suspect, a number of other electorates. It sort of involves what I have tagged 'revolving responsibility'. The law and regulations governing significant trees in this state must be reviewed before someone is very seriously injured in their own home or in their own back or front yards. In making these particular remarks, I note that similar views were put forward in this place by the member for West Torrens on the same subject.

The honourable member spoke of an incident relayed to him by a person who experienced enormous difficulty with his local council with regard to the removal of a tree. I echo some of the same comments of the member for West Torrens, who rightly stated that the provisions with regard to significant trees have got seriously out of hand since the original

legislation passed through this parliament. A significant tree is defined in the Development Act 1993 as any tree in the metropolitan area having a trunk circumference of two metres or more.

The act forbids the removal of a significant tree, or severing of limbs, without a valid development approval assessed by the local council. I have been contacted by a number of constituents on this matter, because each were denied the right to remove a tree from their back gardens on the grounds that the trees were healthy and did not pose a risk to public or private safety. When one understands the honourable member's snapshot of what has happened, one can see that the problem is that it has different connotations.

The first constituent made a development application, which was denied on the back of and arborist's report, which showed the tree to be healthy. The council, however, then went on to advise my constituent to get the tree pruned. She did so, at a cost of $660. The arborist advised that the tree would be safe and that pruning would be unnecessary again for five years. However, just one year later the tree dropped a very substantial limb into the backyard of my constituent's home. If members would like to see the substantial limb about which I refer, they can visit my electorate office where my constituent delivered it so that I could understand the seriousness of the problem.

The second constituent was also unable to obtain an arborist's report to back up her fears that this significant tree in her backyard would cause problems. However, one arborist, who was obviously trying to reassure my constituent but who astonished her in the process, said that the tree and the limb would not be a problem because the tree lent into her neighbour's property, and if a limb dropped it would drop into the neighbour's yard and not in her yard—big help when we are worrying about public safety! It is a stunning reassurance to make to someone; and, in fact, it was proved correct when a very large limb dropped into her neighbour's yard and, in the process, blocked my constituent's backyard and door. It then went on to cause damage to my constituent's fence due to the shifting angle of the leaning tree. Thankfully, on that occasion, no-one was personally injured, but it seems to me that the safety of people and the condition of property are secondary interests to that of a tree. One of the arborists reassured one of my constituents that she should not worry too much, because there is no way you would get planning approval these days to do what they have done to their property.

There are a number of consequences that could arise from this absurd level of protection of trees over and above that of people and property. Apart from the obvious consequence of the compromised personal safety and the expense involved in repairing property harmed by trees, there is the question of who is legally responsible in the event of injury to the person or the property. Is it the state government that will assume financial responsibility for the requirements of the legislation and cover such expenses, or is it the local council that will have to accept responsibility when its development assessments have been proven incorrect? I have experienced enormous difficulty in trying to get appropriate responses to these questions when I have contacted ministers, and I urge the government to seriously look at this problem and address it as a matter of urgency.

Time expired.

MUSIC CAMP AND FESTIVAL OF MUSIC

Ms BEDFORD (Florey): Before the winter break it was my honour and pleasure to attend the 43rd State Music Camp. The State Music Camp is a non-profit organisation which offers students between nine and 23 years of age the opportunity to strive for excellence in music performance through participation in one of the five ensembles formed during the camp. The aim is to extend musicians of differing standards by providing them with the opportunity for interaction with other musicians from all over the state and experience playing in large orchestras and bands. This year, well over 300 young musicians were tutored by an exceptionally talented team of professional staff, representing a cross-section of some of South Australia's most outstanding and passionate musician educators. Students were guided in an exciting and challenging repertoire, sharing a common goal to play and enjoy music together. In the process, they developed new skills, discovered that they could do much more than they ever imagined and, in five days, formed new and wonderful friendships that will be of long standing.

The South Australian Music Camp Association was formed in 1962 and has operated every year since. Music Camp has for a long time been an integral part of the lives of young South Australian musicians, and it is interesting to note that participants from earlier generations often keep in touch with the movement, either as proud parents of keen young new campers or sometimes as tutors and conductors. The value of the State Music Camp is in placing young players in a stimulating environment where they tackle and master challenging and enjoyable repertoire and enjoy success in presenting an exciting final concert to parents and friends. What is achieved in one week is nothing short of fantastic. Players are coached by experienced professional tutors, and conductors are chosen for their empathy with young performers. The success of the Music Camp (formerly known as the May Music Camp) is well demonstrated by the numbers of well-established performers and teachers in the community who acknowledge the valuable part that Music Camp plays at state and national levels and has also played in their own musical lives.

Another indication is the calibre of the guest conductors. This year, Stephen Millar and Howard Parkinson from South Australia were joined, among others, by John Curro from Queensland (a well noted orchestrator in Australia). I congratulate everyone involved in the camps, particularly the individual students from the Florey electorate—Adam Jungfer (who played alto saxophone), Caitlin Robertson (on tenor saxophone) and Ben Jungfer (on trumpet)—who performed in the Grutzner Concert Band on the evening I was able to attend. They are all past winners of the Florey Music Award, something I initiated in all schools in my electorate on taking office.

At present we are fortunate to have the opportunity to attend the 105th Festival of Music at the Festival Centre. So far, it has been an absolute delight and a credit to the South Australian Public Schools Music Society. Although I have been able to attend only one performance, I thoroughly enjoyed the Monday concert. Sadly, this year, each of my schools has performed on a different night and, as parliament has been sitting for the full two weeks of the performances, it has been very difficult to try to fit in more than one performance.

Mr Venning: I have been to three.

Ms BEDFORD: Well, you are very lucky. Nevertheless, it is a wonderful opportunity to present ensemble and massed choir items. This year there are 468 students in each of the choirs. It allows them to perform in outstanding surroundings and at an exciting level. It is a fabulous experience for all the students involved and a real credit to the South Australian Public Primary Schools Music Society. All members are to be commended for providing that opportunity for the students and such a sense of occasion for their parents.

In total, 250 schools were represented this year. There were 6 500 students in all performing in the massed choirs, with many special musical performances by guest solo and ensemble performers. I have had a long association with music. It is an excellent way for young people to learn a skill and discipline and to be involved in the community, and it is a great alternative to any undesirable activities they may arise from boredom. I know that all members will be doing their best to support their schools and the students at the concerts this year.

I congratulate President Leonie Trimper and Vice President Wayne Sachs; Secretary, Peter Scragg; Administrator, Kevin Williams; Manager Suzanne Rogers, to whom I am indebted for making my ticket available at very short notice; Musical Director, Deborah Hepworth; Production Manager Anne O'Dea; and School Representative Maria Stone, along with a whole list of other people who are no doubt putting in much more time than they are given remuneration for. The items this year were absolutely amazing. Again, we had some terrific pieces. I am not sure that there were any world first performances this year, but each of them was well and truly performed with great gusto, and it was an absolutely wonderful concert. The only sadness I have is that I will be able to go only once this year.

AGED CARE, MANNUM

Mr VENNING (Schubert): Today I rise to speak about the Rann Labor government's inability to act quickly on a development issue which is holding back the progress of the Mannum township and the desires of the local people. The Rann Labor government is sitting on 30 acres (12 hectares) of vacant, unused land in the middle of Mannum. It is land which is worth a considerable amount of money and it is of very strategic importance to the region and the town of Mannum in particular. This land is adjacent to both the Mannum Hospital and the Aminya Homes and is the best site within 100 kilometres for an aged care facility. This land is owned by SA Water and is right by the Mannum-Adelaide pipeline pumping station and the old chlorine station, which is now mainly unused. Of course, it is smack in the middle of Mannum.

I am sure that the minister and his executive staff are aware of the frustrations in the community in Mannum in relation to the desire to establish an aged care facility on part of this unused land, currently owned by the government. But, if this is not so, the government is certainly not showing any interest. It begs me to ask the question, though, why the government would sit on such a valuable, unused asset, which is lying idle with decaying fences, and full of weeds and vermin, right in the middle of this lovely, picturesque town of Mannum. The member for Hammond would know what I am talking about.

I led a delegation to minister Wright on this matter with the mayor, the CEO and three representatives of the local Lutheran community. This demonstrates the public interest, enthusiasm and desire shown by the community to establish an aged care facility. Mannum has been recognised as one of the fastest growing elderly communities in South Australia. It is a great growth area with fantastic public facilities. Whilst the Mid Murray Homes for the Aged, Aminya Home, supplies the accommodation, the establishment of a self-funded retirement village such as the one proposed would cater for a different demographic and fulfil yet another growing need. The original proposal revealed that the targeted land is large enough to create some 200-plus units or houses specialising in supported aged care, right alongside the hospital and right alongside the current Aminya Home. Lutheran Homes has a fantastic record in this area, particularly in the Barossa Valley where, I remind the house, the Queen opened the last facility of Tanunda Lutheran Homes. Its record is just fantastic and without peer.

When we live in a state and country which have an ageing population, it is important that pro-active measures are implemented to ensure that this ageing population is cared for both now and in the future. This land ought to be offered to the Mid Murray Council, as is the normal process, as far as I am concerned—and there is plenty of precedent for this—and leave it to council to divide up the land for the best use of the Mannum community. I was concerned to hear that a Labor minister said it would not be offered to council, because it was going to on-sell or divide it. I was quite appalled about that because, when we were in government, the process was that the council would be offered the land, and it still should be.

Out of frustration, a second site has been identified, which is not as suitable as the SA Water land but okay for the job. It has now been held up (would you believe it?) for almost two years, because the land is owned partly privately and partly by the Housing Trust, and it needs a change of PAR to be available for this use. Well, hello! For two years now, the Mannum community has been ignored by the Rann government as it struggles to fast track a PAR on this second lot of land. What has the government got against this project? Every move they make is thwarted. The PAR just lies on the minister's desk, and that is a disgrace, and most other PARs just sit around. Okay, when we were in government the record was not good, but today it is a bloody disgrace. These PARs just sit around for no other reason than for delaying the process. I think the whole PAR and planning process ought to come under strict scrutiny and criticism.

Ms Breuer: It is: there's a review going on now.

Mr VENNING: I was chair of the ERD committee; I am aware of the process. I am not pointing the finger at the member for Giles or her committee, but these things do sit around while people out there try to do things. These are volunteer groups that can provide a service for the community. What do we do? We just delay, delay, delay. No wonder they go away; no wonder they run out in frustration. At least governments ought to get in and say, 'Okay; if you're prepared to do this, we'll free up the land for you. We'll give it to the council, and we'll enable you to do what you need to do.' After all, Mannum is a great spot for retirement homes and for aged care.

Time expired.

SOLAR OASIS

Ms BREUER (Giles): I will talk today about the Solar Oasis project proposals for Whyalla. BHP Billiton is proceeding with a major expansion of the Olympic Dam mine

and needs to find a new source of water for this, which would be either from the Great Artesian Basin or from what has been suggested, namely, coastal desalination. Coastal desalination is preferred, due to the difficulties in gaining approvals for drawing more water from the Great Artesian Basin. As we know, there is a considerable amount of water coming from there now, and there are concerns about taking any more from that basin. In terms of pipelines, the costs are comparable if the water was to be desalinated and brought from further down, and it is very likely that a major desalination plant will be built in the Upper Spencer Gulf area. Support was sought from communities which might benefit from a new water source, and Eyre Peninsula is being considered as a beneficiary. The announcement of a pipeline to Kimba—a key element in the link to the Murray distribution system—was announced in the state budget and has made this project much more possible.

All Upper Spencer Gulf cities and now Eyre Peninsula could be served by the proposed desalination plant. There are economies of scale in building a plant large enough to service a greater number of users. It is a great opportunity to reap environmental benefits by reducing the draw on the Murray by maximising the size and output of the desalination plant. Regarding the Solar Oasis project, in the past Western Mining has indicated that it was interested in using renewable energy as an energy input for the desalination plant, but it also needed to find greenhouse offsets for the expansion of its project. So, this presented an opportunity for an innovative desalination proposal. The Whyalla Solar Oasis project has gained significant impetus as a result of the expansion plans and also due to the desire of the federal government to support solar energy initiatives, announced by the Prime Minister at the last election.

There could be many benefits to the region in pursuing this technology, and there could be many applications and manufacturing opportunities. I am often asked, 'What is the Solar Oasis project?' We are looking at a solar power station in Whyalla with a solar concentrator array, and there are various eligible technologies for this. There would be a steam turbine to generate the electricity, and desalination would occur from the waste heat. Energy storage would also be included in this. Why Whyalla? We have done a lot of work in Whyalla to look at this project. The Whyalla council, the university and a number of others have considered this. A pre-feasibility study in 1999 looked at the location, and it is very good. We have an excellent level of solar radiation in that land; there is available land; it is in close proximity to the Pacific saltworks and we can dispose of the brine there; it is an arid area with large water users; it is a considerable distance from the Murray; and it is a commercially bankable project.

The pre-feasibility study talked about a large-scale commercial plant with some 200 dishes, 24 megawatts and 20 megalitres per day on a 25-hectare site. Electricity could be produced at competitive rates and distilled water produced at below current costs. It would be solar with a gas back-up to ensure continual operation of the system. We would be looking at something like $30 million for the dishes and $26 million for the desalination plant. Performance and economics suggest that 20 megawatts is a viable size; smaller would be less viable.

In March 2005 this project was looked at again, and we are currently on mark II of the proposal. It is hopeful that there will be a trial of a one-megawatt power and water desalination plant by 2006, and we are looking at confirming the viability of the technologies and allowing for the investigation of integration options. It can possibly be delivered for about $9 million, which has potential for the private sector, and many are interested in it. Hopefully, a full-scale plant could be constructed by 2010. There are commercial parties interested, and the federal government has confirmed support. We have had positive discussions with OneSteel to utilise the water; BHP Billiton is a potential customer, as it would offset its greenhouse emissions; and Eyre Peninsula, Upper Spencer Gulf and SA Water are having negotiations on this.

Time expired.

MENTAL HEALTH

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

Leave granted.

The Hon. L. STEVENS: The deputy leader today asked me a question, claiming that the consultant psychiatrist position and the psychiatric registrar position I announced today were in fact merely transfers from the other part of the system: that is, the psychiatric registrar was transferred from the Western ACIS team and the consultant psychiatrist from the rural and remote service at Glenside Hospital. The deputy leader said that he got his information from reliable sources, but he appears, yet again, to be wrong.

I am advised that the consultant psychiatrist who commenced working in the emergency department yesterday is new to the South Australian public health system, and we welcome him. The registrar from the Western ACIS team applied for the position at the RAH and won the position on merit. The registrar also started this week—another good news story.

The vacancy in the Western ACIS team has already been filled by a new clinical consultant psychiatrist, who will commence in November. In the meantime, the clinical director has reallocated medical staff to ensure that a senior registrar provides clinical services in the ACIS. In addition to that, there has been a temporary transfer for the next four months of a psychiatrist from the rural and remote mental health service to the Royal Adelaide Hospital, specifically to attend to country mental health clients. His position will also be backfilled.

SITTINGS AND BUSINESS

Mr RAU (Enfield): I move:

That the Natural Resources Committee have leave to sit during the sitting of the house today.

Motion carried.

PUBLIC WORKS COMMITTEE: SALISBURY NORTH URBAN IMPROVEMENT PROJECT

Mr CAICA (Colton): I move:

That the 218th report of the committee, on the Salisbury North Urban Improvement Project, be noted.

The Housing Trust commenced its urban renewal initiatives in the mid-1980s to address the age and condition of housing built in the 1950s and 1960s. Salisbury North was identified in 1997 as a high priority for attention. The trust owned 1 390 houses out of 3 750 houses in Salisbury North, with almost

80 per cent of total housing in the suburb's south-eastern section. This area was characterised by high unemployment, crime, social dysfunction and declining property values.

Stage 1 was officially launched in December 1998, with the aim of delivering a range of integrated housing, as well as strategies over a 10 to 15 year period to reverse the social, physical and economic decline of Salisbury North. The Housing Trust's objectives were to improve perceptions of the area; support local private builders and developers in strategically locating housing redevelopments to raise the overall market acceptance and property values of the area; position the suburb to successfully integrate with the proposed development of the neighbouring Defence, Science and Technology Organisation; and to address high unemployment in the area by providing job and training opportunities for local job seekers.

Stage 5 will complete the project over a five-year period on a precinct basis. However, the proposal provides for a master planning approach. This will allow more responsiveness to the market, through a more consistent supply of land, and will demonstrate the commitment and intent of the government and council to complete the project. This approach will also reduce the lead time required to consult with and relocate tenants, demolish dwellings, obtain relevant approvals and undertake infrastructure construction between precinct boundaries.

Trust ownership in stage 5 will decrease from 365 properties to 187, and 128 homes will be demolished and 100 will be sold. In addition, 236 houses will be renovated and land will be provided to build 51 replacement trust houses by 2007-08. Also, 119 new house lots will be created for sale from cleared sites, and the total number of dwellings increased to 697. This will provide an overall increase of 41 houses, or 7 per cent.

The project has had a positive effect on housing market values. Since it commenced, the Salisbury North Urban Improvement Project area has experienced a 110 per cent increase in market values, compared with 68.63 per cent in Salisbury North and 48.41 per cent in Paralowie. When considering all house sales, the Salisbury North Urban Improvement Project experienced 18 per cent more growth than the suburb of Salisbury North and 28 per cent more growth than Paralowie.

The project is also having a profound positive impact on the community of Salisbury North, and the engagement of local residents and other community stakeholders in the process remains an essential part of the program. Local support was demonstrated in the recent evaluation, which showed that 92 per cent of respondents believed that the project and associated community programs were good for the area. Responses centred around the improved image of the area and the improved community spirit and morale.

Total revenue for stage 5 will be $22.731 million from house and land sales, and total expenditure will be $16.406 million. The surplus is to be used in the trust's capital program to construct new public housing or to renovate existing dwellings.

The committee is satisfied that the program will not have an adverse effect on customers who are relocated or whose homes increase in value as a result of renovation. The relocation process offers a high level of consultation with each customer on a one-to-one basis and has a mechanism for appeals and arbitration. It is very proactive and enables customers to negotiate with the trust about the best outcome. The trust also pays for customers' relocation and compensates them for any improvements made to the house they are vacating. Customers' rental payments are fixed according to their income. So, home improvements arising from the project will not increase rental levels for tenants.

The committee accepts that the project will not disadvantage any of the customers whose homes are affected. However, we retain some concern for other trust customers. The project affects waiting times on the waiting list, because some of the stock that would traditionally go to the waiting list is used for relocation. This is counterbalanced by directing the new building program into areas surrounding those being regenerated. However, there is a lag between the trust's acquiring income from selling the old home or land and building a new home. Relocating customers affected by the program are given the same status as category 1 customers. Therefore, the lag between income received from sales and building new homes is felt by those in greatest need of housing assistance.

The committee recommends to the minister that the present method of financing the construction of new homes should be re-examined. This should be done with a view to identifying alternative cash flow methods that might eliminate the lag that leads to greater waiting times for category one customers on the waiting list. The committee is also concerned to ensure that the relocation process will not simply move the area's significant social problems to adjoining areas. We are told that these are significantly increased when there is a high density of public housing, and the project will address this by ensuring that customers are relocated to areas where there is not a high concentration of such housing. Based on the evidence received, and pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

Motion carried.

PUBLIC WORKS COMMITTEE: EDINBURGH PARKS WYATT ROAD—STAGE 1 CONSTRUCTION

Mr CAICA (Colton): I move:

That the 219th report of the committee, on the Edinburgh Parks Wyatt Road—Stage 1 Construction, be noted.

The Land Management Corporation is developing 650 hectares of land at Edinburgh Parks, which has recently been transferred from commonwealth control, where it formed part of the RAAF Edinburgh and Defence Science and Technology Organisation land at Salisbury North. A key element of the development is the construction of a new road link called Wyatt Road, which will connect the development to Heaslip Road and, from there, to Port Wakefield Road and the Gawler bypass. The construction of Wyatt Road stage 1 will provide an essential infrastructure link to facilitate the development of Edinburgh Parks in a way that avoids overloading existing local roads with excessive volumes of traffic. The construction of a new link between the Edinburgh Parks industrial precinct and Heaslip Road will also create a direct link with the national highway system for industrial traffic.

The Land Management Corporation is responsible for the development of Wyatt Road from the junction of West Avenue and Purling Avenue to Bolivar Road near the railway crossing. The City of Salisbury is responsible for the construction of the road from the development boundary to the Heaslip Road junction. Stage 1 of the project will cost

$4.84 million and comprises the construction of a single carriageway road developed for commercial traffic. The ultimate design within the Edinburgh Parks precinct is for a dual carriageway 1 600 metres long and includes a T-junction and two major roundabout junctions. An adequate road reserve has been allowed for the single carriageway road to be duplicated if required by traffic volumes.

The project specification also includes major high voltage electrical reticulation works and other required services as well as the provision of street lighting and services required to develop adjacent precincts. Some stormwater will be captured within the vegetated swale system to provide natural irrigation to the indigenous vegetation designed within the landscaping works. Other areas will drain into the City of Salisbury system, where it will be treated within the Kaurna wetlands and then injected into an aquifer. Recovered water will then be pumped through a reclaimed water network managed by the City of Salisbury and sold to clients to reduce demand on potable water.

The potential to generate employment for the region and the state has been modelled and shows employment targets totalling 18 900 jobs. Social benefits will accrue from the generation of employment, with its flow-on to the surrounding communities which are characterised by low school retention and high youth and adult unemployment. The broad base of industrial and commercial uses and the long-term nature of the development will ensure opportunities for the local residents and will provide the opportunity to contribute to social inclusion and economic wellbeing.

The committee was told that all building lots must be above the 100-year flood path, and that some lots will need to be built up to a level where any buildings upon them will be above the 100-year flood level. The size and existing retention dam will also be increased to accommodate a one in 100-year flood event. Despite this advice, the committee retained some degree of concern about this particular matter. Therefore, we recommend to the minister that the flood prevention measures taken should be re-examined to ensure that they are sufficient to allow the land to be sold and do not leave the state vulnerable to litigation, based upon the land's being prone to periodic flooding.

Based upon its consideration of the oral and written evidence submitted to it in relation to this project, the Public Works Committee reports to parliament that it recommends the proposed public work.

The Hon. I.P. LEWIS secured the adjournment of the debate.

NATURAL RESOURCES MANAGEMENT (USE OF RECYCLED WATER) AMENDMENT BILL

Mr BRINDAL (Unley): When I sought to introduce these bills, the acts to which they referred are no longer applicable because this government has amended the acts. Apparently, the advice I received does not allow me to proceed with those acts. Therefore, unless the Clerks can give some other methodology, I will have to postpone them yet again because I have not had proper advice.

The DEPUTY SPEAKER: I suggest that the member for Unley seek leave from the house to move his notice of motion in an amended form, that amended form being to be replace the words 'water resources' with 'natural resources'.

Mr BRINDAL: That is what I ask, sir. I would therefore seek leave to do that.

Leave granted.

Mr BRINDAL obtained leave and introduced a bill for an act to amend the Natural Resources Management Act 2004. Read a first time.

Mr BRINDAL: I move:

That this bill now be read a second time.

I will not detain the house long on this matter. It will probably need to be thought about by government members and others, and debated at length thereafter. I introduced two other bills last week and I will introduce another one subsequently. The purpose of this bill is to allow the declaration of levies in respect of recycled water. The potential problem that we have at present is that, as we move from a regime in which the big majority of water is potable water supplied by a government instrumentality, SA Water—and the Crown benefits from the provision of that water (I think the current provision is about $250 million a year)—at present there is no allowance under any act where, if water is recycled, the Crown can levy an impost on the recycled water in and on behalf of the people of South Australia.

This bill will make it lawful for the Crown, when the government feels that it is appropriate, to place a levy on the water of instrumentalities, such as local government in Salisbury and SA Water through its sewage recycling, and hence have a revenue substitution. The argument always put around one of the tables at which I sat (but which I cannot mention) by the minister responsible for SA Water was, 'Well, it is all right to want to preserve and recycle water, but do you realise how much that will cost the government?'

Indeed, the Presiding Member of the Public Works Committee has just delivered a report, and it has been said by the members of the Public Works Committee and other members in this place that there is a bit of a contradiction in terms in terms of government policy when we as members and the government itself legitimately want to better utilise water resources but do so in the knowledge that, in getting a more efficient use of our water resources, we are potentially cutting down the revenue streams of SA Water.

What this bill will allow is for substitution of moneys which the Crown believes are due to it for the application of a resource in this state, or for the better management of a resource in this state, and where the Crown may eventually miss out because there is not so much water flowing through SA Water. The cost of the provision of that water will also go down, so that the people will be a beneficiary, but the Crown will not have to disbenefit by not being unable to collect moneys.

The Hon. I.P. Lewis: We will have to pay to get our own back.

The DEPUTY SPEAKER: Order!

Mr BRINDAL: It is not a matter of paying to get our own back. The Crown has a right to tax and levy, in this case, water; and a levy is placed on water in essence at present. A levy is placed on the river, called the River Murray levy, for instance, and that is based on the value of properties. It is a matter of giving the Crown the right to better utilise the water resources of this state while not necessarily jeopardising its revenues. I conclude my second reading explanation by saying that this is not a prescription for a government to introduce a new tax. This is a legislative measure, which I ask

this house to pass to give all future governments greater flexibility in the application of water resources in this state.

I do it simply because I believe that, from experience as a former minister for water resources, what is holding this state back in the better utilisation of its water resources is a realisation in some quarters that, while we want better utilisation of those resources, at present they must come at the cost of sacrificing some revenue to the government. This measure says that it is possible for a government to better utilise its resources in the future while not, in fact, having to sacrifice revenue to do so. It does not tell them they must pick up the money. There is no compulsion here.

It simply enables a future Labor or Liberal government to go more solidly down the track of the use, reuse and innovative use of all our water resources. I commend the bill to the consideration of the house.

The Hon. I.P. LEWIS: I rise on a point of order, sir. Mr Deputy Speaker, I believe that the matter ought to be examined more carefully by the Speaker to determine whether or not it is a money bill, because, certainly, it addresses itself to the sources of revenue available to the government, notwithstanding what the member for Unley may think.

The DEPUTY SPEAKER: I will refer that matter to the Speaker for his examination and ruling.

Mrs GERAGHTY secured the adjournment of the debate.

STATUTES AMENDMENT (REUSE OF WATER) BILL

The DEPUTY SPEAKER: Again, the member for Unley has the same problem in that the title of the bill is not what he gave notice of.

Mr BRINDAL (Unley): Yes; I therefore seek leave to move the bill in an amended form.

Leave granted.

Mr BRINDAL obtained leave and introduced a bill for an act to amend the Natural Resources Management Act 2004, the Public and Environmental Health Act 1987 and the Sewerage Act 1929. Read a first time.

Mr BRINDAL: I move:

That this bill be now read a second time.

This measure is to be taken in conjunction with the other three measures, and specifically in conjunction with the last measure. At present along our vital Murray Darling system and in other places, the law requires that water which is effluent water and which has been used for sewerage purposes in all its forms is treated, and it can then be used for secondary purposes. However, one of those purposes does not include its discharge back into the body of water whence it came. While we would argue that that is a matter for public and environmental health (and, indeed it would be, if it were not done properly), many great cities of the world would dry up if such a provision existed.

It is well known that in the City of London (between Windsor Castle and the sea) every drop of water is used and reused six times, and I think that it includes three human kidneys. The water is taken out, it is supplied to the people, it is treated, it is put back into the Thames and it is reused up to six times. A similar situation occurs in Paris, which has a most marvellous treatment works. The discharge pipe for the treatment works is 500 metres upstream from the intake pipe to the public water supply.

When I asked someone in Paris why this was the case, they said, 'Because we have not quite convinced Parisians that it is fashionable to drink their own sewerage water,' although, statistically, mathematically, they have been doing so for years. The member on duty at present, the member for Adelaide, would well know that most of the cities in Europe, if they do not drink their own discharge, drink the discharge of those further upstream. No country is more cognisant of that than the Netherlands. The entire Netherlands water supply wends its way down the Danube, I think—whichever great European river it is that discharges in the Netherlands. It flows through five or six countries and is used by every city on the way, finally to be used by the inhabitants of the Netherlands. So it is common practice.

Yet, although we have the driest state in the driest continent and a river system specifically important to this state (the Murray Darling system) that drains a third of this nation, every town and city that extracts water from it along the way is, by law, unable to discharge its waste back into the river system. It is said that, because there are not many market gardens in that area, most of it goes on golf courses. The Minister for Tourism would know that the golf courses of the Riverland are, in fact, a tourist attraction in their own right, and I am not decrying that or detracting from it, but one wonders whether, in a state and a continent as dry as this, almost the compulsory use of all of our effluent in that area on golf courses is a good idea. I am not saying it should not be a tourist destination and they are not important, but I am saying, 'When is enough enough?', and is this the best use of our water?

This bill proposes that it shall be lawful, as long as proper health and environmental standards are met, to discharge water of a suitable standard back into the river stream and, in fact, be able, because water is a tradeable property right, to trade in that commodity. So it would mean that a town such as Loxton or Berri could take out the water, use it, treat it and discharge it back into the river, either getting a credit for the water that goes back or owning the water that goes back and being able to sell it to a downstream irrigator. It would ensure that people who utilise water wisely, who do not waste water, are given a credit for it, and that water is not to go onto a golf course simply because there is nothing better to do with it; rather, it should go back into the environment to become part of the ongoing environmental flow of our river system.

It is a matter, therefore, of environmental benefit. It is a matter of economic benefit. It is a matter of commonsense. The great cities of Europe, which almost daily get rainfall, where the ground almost squelches under your feet, can and do reutilise their water five or six times. It is more than passing strange that in a city which vitally needs water we waste it. We are getting better, but we still use our water, on average, once, or maybe a bit more than once, because now the water comes into our homes and goes out, is treated in the sewage plant and goes to irrigation, either north in the Bolivar region or south in the McLaren Vale region.

That is a great step forward for this city, but how much better a step forward would it be in this classic example, although it is not relevant because the Stanvac Oil Refinery has closed? The refinery used 4 megalitres of water a day. One megalitre went upstream and three were scrubbed and went into the gulf as 100 per cent A grade water. How much better that that water had gone to an engine plant at Lonsdale, probably scrubbed on its way out, gone to one or two

industries, wound up in the sewerage and ended up on the vines? So, instead of buying four different lots of one cubic metre of water in four different industries, that one cubic metre of water was used four times and eventually used for an agricultural purpose, to grow grapes. It is commonsense, and it is responsible environmental management.

If you talk to Dr Tim Flannery, one of his main points is that the population of this continent cannot increase much. When you ask him why that is so, he says it is because of the lack of availability of water resources. I think, given the current way that water resources are used, he is quite right. However, given the pressures of population and the pressures on resources throughout the world, this island continent, if it is going to take its place among the world of nations, will have to support a population in excess of what it currently has. It cannot do that by raping and pillaging the natural environment of this landform.

So, if we have the dilemma of how to increase the population of this region, given that our resources are finite, under stress and diminishing, the only answer that can be adduced is that we have to use those resources better and much more wisely. This bill will give government flexibility to do just that.

In closing, sir, can I say (because you will get this referred to you) that a bill is a money bill, I put to you, if it proposes that the government spends money. If it proposes that the government spends money, certainly it is a money bill. I do not care if you rule it out of order, sir, because I have offered this bill, and continue to offer this bill, to the three of them—to the opposition as policy going into the next election campaign, to the government as policy going into the next election campaign, and to the government for adoption now. Freely and willingly, the government can have these bills and bring them in.

I introduce them here for no other reason than that I think this series of measures is sensible and small but could result in significant change to the way we use our water resources in this state. So, if, sir, you are minded to say that this measure and, indeed, the last measure, because they give the government greater flexibility in its use of money; they give the government the means to create other revenue raising streams—and I acknowledge that, but I did not actually think that it was a crime to try and suggest a way the government could try get more money—are out of order, fine; the minister can have them and the opposition can have them.

I am only interested in the water resources of this state, and that, whenever I leave the parliament, I have done and said as much as I can to try to encourage current and future members to think about water and to show leadership in a state where it is probably the most key factor, and certainly the most key resource for the next 50 years which needs husbanding, superintending and, I think, a more rational approach than we have adopted in the past 100 years. I do not say that as a put-down of the past 100 years. We did what seemed right and sensible at the time, and it served this state well for all that time. It is not about that: it is about what will serve this state well for the next 50 years. With those words I commend this bill and the others that I have introduced to the house.

Mrs GERAGHTY secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: NORTH TERRACE REDEVELOPMENT—STAGE 2

Mr CAICA (Colton): I move:

That the 220th Report of the Public Works Committee, on the North Terrace Redevelopment—Stage 2, be noted.

Stage 1 of the North Terrace redevelopment is substantially complete, with the exception of the new Bonython water feature in the South Australian Museum forecourt. The possibility of a second stage of works was raised in Capital City Committee meetings in the latter half of 2004, and in January 2005 cabinet gave in-principle approval for funds of up to $3.4 million to carry out works between Pulteney Street and Frome Street/Frome Road. The proposed works conform to the design template from Stage 1 and involve the renewal and improvement of pavements, lighting, landscaping, street furniture and signage, public art, the relocation and upgrading of services and modifications to the carriageway between Pulteney Street and Frome Street/Frome Road and strips of university land on the northern side of the terrace.

The works will improve the setting of five state heritage places: Brookman Building on the corner of Frome Road; Bonython Hall; Freemasons Hall at 254-260 North Terrace; a house at 261 North Terrace; and former houses at 263-265 North Terrace. The fence outside the Brookman Building is not state or local heritage listed, and its removal has been negotiated with the University of South Australia. The decision to give priority to this area for the second stage of works is based on overcoming the visually arbitrary end to Stage 1 at Pulteney Street; ensuring consistent tree maturity for the length of the cultural precinct; and complementing efforts to open up the universities to the city.

The design and contract documentation for Stage 2 is substantially complete, as it formed part of the original Stage 1 works. The project works are based on the need for physical improvements that complement private sector and public sector investment activity and encourage further investment. They will also contribute to North Terrace as a high quality, safe, attractive and accessible precinct for visitors, workers and investors in the education, health, retail and cultural sectors of the economy. The project is expected to offer a number of other benefits. It will create further attractive open paved areas for events, displays, exhibitions and festivals. Further impetus will be given to residential investment in the city. The public art and proposed water feature will become cultural attractions for the enjoyment of visitors and users of the terrace.

Pedestrians and students will enjoy increased safety through the replacement of uneven pavements, better lighting, removal of the slip lane into Frome Road and provision of a median strip in the carriageway. Wider footpaths and an extension of the inner footpath will facilitate pedestrian movement along the terrace, and the extension of the inner footpath and new paved plazas proposed on the northern edge will better connect universities with the city. Construction of the works is expected to commence in October and be completed by September 2006, with government expenditure capped at $3.4 million. Any additional or recurrent costs will be incurred by the council.

The slip lane that allows eastbound traffic to turn left from North Terrace onto Frome Road will be removed, although it is used by 3 900 vehicles each day. The committee is concerned that this will cause a significant build-up of traffic at the intersection. The committee is told that the removal of

the slip lane is needed to address pedestrians' sense of being at risk of injury from turning vehicles. However, this assertion is not supported by casualty crash statistics, which reveal only one casualty crash involving a pedestrian in the 10 years to 31 December 2004. Signal phasing to allow left turn movement in two out of the four signal phases may not be sufficient to avoid significant traffic problems. Therefore, we recommend to the minister that a detailed analysis be undertaken of the impact of this proposal upon traffic flows before the slip lane is closed.

The committee is also concerned over the proposal to construct a 2-metre wide median strip. The presence and width of the strip will influence traffic movement, block the wide boulevard look of North Terrace and will not include any design elements of the sort that feature in the King William Street median strip. We therefore also recommend to the minister that the necessity for a median strip be reconsidered. If it is still deemed necessary, the proposed width and absence of design elements should be re-examined with a view to obtaining continuity with the features of the median strip in King William Street. The Public Works Committee Reports to Parliament that it recommends the proposed public work.

The Hon. I.P. LEWIS secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: STRATHMONT CENTRE REDEVELOPMENT AND COMMUNITY LIVING PROJECT

Mr CAICA (Colton): I move:

That the 221st report of the committee, on the Strathmont redevelopment and community living project, be noted.

Strathmont Centre was built in the early 1970s and housed over 600 residents. Since then, 350 have moved to other community options, leaving approximately 250 residents. The centre is an ageing facility. The buildings do not meet appropriate standards for supported accommodation, and the current support model will not be able to meet the needs of residents, as their support needs, often associated with ageing and frailty, increase over time. The group home model provides greater staff to resident ratios, increased privacy and more space for equipment and manoeuvrability.

The proposal involves a staged funding package for 150 residents to move from the centre into 30 purpose-built group homes. The package includes $18.4 million in capital funds and a further $5.3 million in recurrent funds over a four-year period. Ninety nine residents will continue to live in upgraded villas at the centre site. Another 150 will move to new housing in the community, with one villa closure involving 30 residents to occur in six monthly cycles commencing 1 July 2006 and concluding by 31 December 2008.

The homes will be built adopting an adjacent model. Two houses will be built side by side on separate allotments and will be of robust construction and minimise accelerated wear, tear and maintenance. The design and construction will reflect the need to balance the requirements of clients and staff for accommodation that is both a home and a workplace. The community group homes will meet the requirements of consumers, enable a flexible service response for future changes and client need and have the approval of key stakeholders, families and staff.

The South Australian Housing Trust will construct the homes and assume ownership of the properties and integrate them into its existing disability housing portfolio. The Intellectual Disability Services Council will be charged rent as calculated by the Valuer-General to cover the ongoing management and maintenance of the properties. A land and housing acquisition program plan has been developed which has identified suitable land allotments for the project in Croydon, Greenacres, Sturt, Gilles Plains, Enfield, Morphett Vale, Broadview, Seacombe Gardens, Ferryden Park, Clovelly Park, Magill, Pooraka, Northfield, Taperoo and Parkholme. These allotments will be selected according to preference for locations of families and to ensure a spread across the metropolitan area of Adelaide.

The future of Strathmont Centre and the living arrangements for the residents who continue to live there require expenditure beyond that approved in the forward estimates. Therefore, the future of Strathmont Centre is to be explored in a separate business case to be included in the 2005-06 bilateral process along with options for closure and disposal of the whole site. The project will provide accommodation in smaller home-like settings through a service model that delivers more individualised service and is flexible enough to meet changing client needs. The accommodation will give clients opportunities to access and use local community based facilities, thereby increasing community and social inclusion.

The committee was told that significant additional staffing resources will be needed to support the intended service model. A recruitment and training schedule has been implemented over the project term to meet these additional staffing needs as required. The Intellectually Disabled Services Council has successfully managed community accommodation services and currently supports up to 259 residents living in 84 community based group homes spread across the metropolitan area of Adelaide and some country regions. The existing community support model will be extended to minimise risk and reduce the impact of change for residents by maintaining continuity of care. It will also meet family expectations, which strongly support a familiar model and would oppose a move or transfer of services to other agencies.

The committee accepts that de-institutionalisation is the desired outcome for most residents of the Strathmont Centre. However, evidence has been given that the current model of community living is not appropriate for a small number of residents with exceptional needs. The committee is concerned that the number of such residents will not be sufficient to warrant the continuation of a separate institution such as Strathmont Centre. The committee is aware that a similar situation is likely to arise as other institutions dealing with disabled clients move towards a community living model. Accordingly, we recommend to the minister that consideration be given to determining how many such clients will remain after the community living model has been fully implemented and the merit of an alternative form of institutional living to meet their accommodation and care needs. Pursuant to section 12C of the Parliamentary Committees Act 1991, the Public Works Committee reports to parliament that it recommends the proposed public work.

The Hon. I.P. LEWIS secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: ROUTINE MAINTENANCE OF ROADS—METROPOLITAN NORTH, MID-NORTH, EYRE/FLINDERS AND RIVERLAND

Mr CAICA (Colton): I move:

That the 222nd report, on the routine maintenance of roads—Metropolitan North, Mid-North, Eyre/Flinders and Riverland, be noted.

Routine road maintenance of the state's principal road network of sealed national, urban and rural highways includes litter collection, grass cutting, sign and guide post maintenance, shoulder grading, drain cleaning, vegetation clearance and minor pavement repairs. Until the mid 1990s, transport services performed virtually all tasks associated with the management and maintenance of sealed national, urban and rural highways. The first competitive contracts began in the 1996-97 year and a purchaser/provider split was implemented, with transport services competing with the private sector as a service provider.

The lump sum contracts include estimates for specific maintenance and emergency response works. This provides an efficient mechanism for procuring special maintenance works at competitive rates from a contractor with established quality and management systems. The routine maintenance contracts also provide an efficient mechanism for procuring works such as shoulder re-sheeting, larger pavement repairs and preparation for re-seals at competitive rates from an on-site contractor with established quality and management systems. The strategy has the potential to provide advantages in the management of the network, including increased focus on performance; increased flexibility to program activities to areas of highest need; integration of specific maintenance works with routine maintenance programs with annual budgets; continuity of the warranty of the works when managed with the same provider; and reduced procurement and contract administration costs compared to purchasing the works outside the contract.

A number of contract forms, including longer term performance maintenance contracts, are being used within Australia and overseas. These types of contracts lock in budgets for many years and thus reduce flexibility in managing the road network on a statewide needs basis. Experience of the success of such initiatives is limited and it may be some years before the outcomes are more certain. Therefore, it is not considered prudent at this time for South Australia to develop long-term performance contracts. However, it is proposed to include an optional two-year extension to the five-year contract term subject to the satisfactory contractor performance. The specific works considered by the Public Works Committee deal with the procurement of routine road maintenance of the sealed road network for the period 2005 to 2010 at a total cost of $59 million. These areas cover approximately half the state's national highway and arterial road network, which is divided into four maintenance areas.

Transport Services' in-house resources manage the remainder of the network. The contract areas have been rationalised on the basis of optimal travel times for maintenance field work. This offers potential efficiencies by reducing the contractor's overhead costs. The new contracts will include provisional sums for procurement of specific maintenance work subject to funds each fiscal year. The balance between the private sector and Transport Services in routine road maintenance delivery has achieved a number of key objectives. These include: establishing a competitive routine road maintenance environment and developing industry capabilities; minimising risk to government; and minimising potential downsizing costs. In addition, Transport Services remains an informed purchaser of road maintenance technology and innovation.

Transport Services will undertake a detailed pricing of the outsourced works based on using in-house resources in accordance with the South Australian Department of Treasury and Finance's Competitive Neutrality policy. The procurement strategy will be reviewed once tenders are received, to ensure that the strategy offers the best value for money for government. The committee believes that the maintenance of roadside native vegetation should be a serious priority. However, evidence given to the committee acknowledged that many roadsides have a predominance of weeds and introduced trees and shrubs. Native vegetation is an essential habitat for native fauna and tends to burn less readily than introduced plants.

Therefore, the committee recommends to the minister that a strategy be developed to increase the amount of native vegetation and remove weeds and other undesirable plants along the state's road network. Pursuant to section 12C of the Parliamentary Committees Act 1991, the committee reports to parliament that it recommends the proposed public work.

The Hon. I.P. LEWIS secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: LARGS NORTH MARINE INDUSTRIAL PRECINCT

Mr CAICA (Colton): I move:

That the 223rd report of the committee, on the Largs North Marine Industrial Precinct, be noted.

As part of the redevelopment of the Inner Harbor, it is necessary to not renew the leases of a number of the Inner Harbor tenants. That includes the boat builders and boat yards at Jenkins Street Birkenhead and the Port Adelaide Sailing Club. A marina is to be constructed immediately adjacent to the site of the former Adelaide and Wallaroo Fertilisers sulphuric acid plant and will straddle the boundary of three different planning zones. This suits the proposed mixed use nature of the marina, which will support general industrial, commercial and recreational uses. The marina will operate in an ecologically sustainable manner by having regard to the EPA draft code of practice for vessel and facility management, marine and inland waters.

The marina development and adjoining industrial land will allow the creation of a marine industrial precinct specifically designed to service the ever-increasing leisure boat sector and the state economy. Seven hectares of industrial land will be developed, with most being reserved for sale to marine-related industries. Adelaide is experiencing a shortage of well-located serviced industrial land and this development will help to alleviate that shortage. The land is free of soil contaminants, making the soil excavated from the marina suitable for use as fill material on the industrial allotments. It is the availability of this on-site source of clean fill required by the Coastal Protection Board that makes the project viable. Previous feasibility studies into the development of the Largs North industrial land had deemed the project to be unviable because of the high cost of importing clean fill onto the site.

The project will achieve industry best practice for waterfront industrial development. The Jenkins Street boat

yards do not comply with the EPA codes of practice, and the cost of upgrading the existing premises to comply would be very significant and possibly force their closure or relocation to another state. Water quality will be the same standard as that of the Port River, by ensuring that no stormwater flows directly into the marina basin. Operating procedures will minimise the risk of spills, and there will be clean-up kits throughout the marina to prevent any inadvertent spill spreading. The precinct development will provide essential infrastructure of serviced industrial land and integrated marine industrial facilities to service commercial and recreational vessels.

The recreational boating industry is expanding rapidly in South Australia, but most metropolitan marinas only cater for basic boat maintenance requirements. This precinct will cater for a full range of major maintenance and servicing. The development will provide a new high quality public boat ramp in a suitable location for new Inner Harbor residents to moor tall-masted sailing vessels that cannot operate within the constraints of the bridge opening regimes. It will also provide a suitable new location for the vessels currently moored in the Inner Harbor at the sugar company and copper wharves. The project also features a substantial upgrade of the road access landscaping and general amenity of the Largs North area adjacent to Willochra Street, Davis Street and Snowdens Beach.

The Land Management Corporation is examining all the different ownership and development options for the land in the marine precinct. Although government policy is that land within 200 metres of the waterfront is not freehold, the minister has the power to grant exemptions to that policy. As the industrial land is not direct waterfront land, the corporation will be seeking an exemption for it to be freehold. No sand entry or build-up is expected in the marina. Groynes have been designed to go out in the Port River into the channel at a depth of about 3.5 metres. Some silting up is expected on the groynes, so some maintenance may be needed on the groynes and some dredging at the outlet interface. The current Jenkins Street tenants are responsible for remediation of the sites being vacated. However, in exchange for accepting the LMC proposals, the LMC will waive that obligation and accept responsibility for the site remediation.

The committee is concerned that this may expose LMC to significant costs. However, it has been assured that the extent is known and has been accounted for. The committee is also assured that talks are occurring with the local council to ensure that any traffic impact is acceptable to residents. Government expenditure will be in the range of $19 million to $21.6 million. The final figure will be determined by the pre-sales for marina berths, mooring and storage facilities and other enhancements that will be developed only if they meet strict commercial criteria. The management of the marina will be put up to public tender this year. It is expected that the marina manager will bring expertise and some capital to the project, including installing a marine travel lift to service the needs of the boats in the boat yards. The construction period for the project is 14 months from when all necessary approvals have been received. The Public Works Committee reports to parliament that it recommends the proposed public work.

The Hon. I.P. LEWIS secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: MODIFICATIONS TO THE RIVER MURRAY LOCKS AND WEIRS

Mr CAICA (Colton): I move:

That the 224th report of the committee, on the modifications to the River Murray locks and weirs 1 to 6 and construction of a fish passage, be noted.

There are 13 locks and weir structures along the length of the River Murray. They are over 75 years old and South Australia is responsible for the operation and maintenance of locks and weirs Nos 1 through to 9. In March 2003, the ministerial council endorsed a basin-wide native fish strategy. Its goal is to 'rehabilitate native fish communities in the Murray-Darling Basin back to 60 per cent of their estimated pre-European settlement levels after 50 years'. Modification to the locks and weirs Nos 1 to 6 and construction of fish ways will cost an estimated $49.3 million over eight years. South Australia's contribution will be $10.7 million. The modifications will include upgrading the navigable pass section of the structure; strengthening the reduced pass pier section of structures; and construction of a fish way to allow native fish to move past structures at all times.

The narrow width reduced pass piers that were formed by encasing the existing steel trestles in concrete in the 1960s will be demolished. The concrete is still sound but there are structural concerns with the joint between the concrete piers and the concrete base of the weir and with the integrity of the trestle anchorage system. The reduced pass piers will be demolished, the old trestles removed and new reinforced concrete piers poured.

Installation of fish ways will involve excavation of ground adjacent to the abutment side of each weir. The location will be designed to minimise the trimming or removal of native vegetation, and on-site sediment controls will mitigate disturbance to the banks and adjacent river. In-stream lock and weir-related construction activities will involve disturbance of some sediment in the river bottom. However, the majority of the works will be undertaken within a cofferdam and will minimise associated water quality and turbidity impacts. Minimal sediment disturbance is likely during construction of the cofferdam. Construction laydown areas may require trimming or removal of vegetation, but a vegetation survey at each site will identify the nature and extent of vegetation and establish its significance. An application for a permit to trim or remove any native vegetation will be made to the relevant native vegetation authority.

Site activities may affect Aboriginal heritage, so a heritage survey will be formed, in consultation with the local Aboriginal communities, with mitigation measures proposed to protect any identified Aboriginal heritage. The committee has been told that no opposition to the works is anticipated from Aboriginal communities. Nevertheless, we are concerned that consultation has not already occurred. The reinstatement of the navigable pass on a falling river has been identified as having an extreme risk rating, with high consequences and high probability.

During placement of some components, divers are required to dive to the bottom of the river to physically place and move components in high velocity water with zero visibility. The proposed modifications will eliminate the need for lock staff to undertake this action. As well as the risk of personal injury, the rapid recession of floodwaters typical of the River Murray means that any delay to the navigable pass reinstatement could see a loss of upstream pool level. Since

most reinstatements generally take place from late spring to mid summer, a loss of upstream pool in excess of 300 millimetres for any period of time would have significant economic impacts, particularly on the horticultural industry.

The provision of a fish passage at lock and weir Nos 1 to 6, in conjunction with works under way at the other structures, will open up approximately 2 000 kilometres of river to fish movement for the first time since the early 1900s. Currently, fish can only move past the structures during floods. The lock 1 fish way will include a carp separation trap and a holding facility to manage the migration of carp from their well-known breeding ground in the lower lakes to the upper reaches of the catchment. The volume of carp collected will be monitored and, if it is economically viable, they will be removed by the fishing industry under a negotiated agreement. The design of the project works also better manipulates weir pool levels and water volume discharge, which will aid in the provision of environmental flows in the River Murray.

A range of options to address the safety and structural integrity issues were considered. These range from closing structures to navigation during floods, using the lock chambers for much higher flows or redesigning the navigable pass to retain the same functionality. After an extensive consultation process and mathematical hydraulic modelling of the options, it was agreed to retain the existing functionality and develop engineering solutions that would address the structural and safety issues associated with both the navigable pass and fixed weir.

The new method of navigable pass removal and reinstatement that has been proposed is quicker and safer, does not require divers, reduces the need for lock staff to work over water, retains the same level of functionality and addresses the structural serviceability concerns. The works will eliminate the need for trestles, needle beams and Boule panels. They will be replaced with reduced height concrete piers in the navigable pass, with modified deck units, and will stop logs like the rest of the fixed weir.

The bulk of the work involved with reinstatement will be done using the lock crane, with the lock staff only required to secure components. Heavy lifting, divers or working out of boats will not be required. Because of this, reinstatement will be much quicker, with less chance of anything going wrong, and reducing the risk of losing upstream pool level. In addition, because it is quicker, reinstatement can start later when water levels and velocities have dropped, further reducing the risk to staff.

The fish ways at locks 1 to 6 will provide unrestricted passage for native fish stocks all the way from the sea to Hume Dam all year round for the first time in 80 years. This will allow fish movement, increase habitat availability for native fish and allow completion of life cycles. This is a significant positive step in the long-term ecological recovery of the River Murray.

The combined works will have a net present value saving of approximately $370 000 per structure over the next 30 years on operations and maintenance costs and replacement costs. Additional costs associated with the operations, maintenance and monitoring of the fish passage and replacement of components are more than offset by the savings associated with a navigable pass. Based upon the evidence that was received, the Public Works Committee reports to parliament that it recommends the proposed public work.

Mr VENNING (Schubert): I rise to support the Chairman of the committee. I have had a long interest in this area, as has the member for Hammond. I have been very aware of the condition of these locks and weirs for many years. As is the case with our roads and everything else, we have to keep a close eye on these valuable state assets. We have to make sure that our periodical maintenance and our planned replacement programs are kept right up to the mark. I am pleased that the government is doing this, because a lot of these facilities are way past their use-by date. They have lost their efficiency and they are dangerous, particularly in the modern workplace, where we are sending divers under the water to carry out the maintenance on some of these old facilities. I certainly support the government, and also the committee's recommendation.

I particularly want to mention the fish ladders. When the ERD committee many years ago investigated fish stocks in the Murray, it became very obvious that there was a serious problem. The locks that man has erected in this natural water course have certainly had an advantage in that they have made it more convenient for man to operate and live in and navigate the Murray. However, it has affected the natural habitat and environs of all the species that live in or near the Murray, particularly the fish. About six or seven years ago, the ERD committee was looking at the fish ladders. We inspected many fish ladders, and I was dubious that they worked at all.

I visited Torrumbarry about 18 months ago to look at a brand new fish ladder of the type that we are to build, and I was most impressed. Not only was it obvious that it was working but also the birds knew it was working, because they were waiting at the bottom of the ladder for the fish to emerge. So, certainly, the birds had worked it out. That is proof enough that these fish ladders work. We have to make sure that the fish can be protected sufficiently to be able to get away from the entrances and exits of these ladders and that the birds do not sit there and get a quick feed.

The Hon. I.P. Lewis: Did you recommend a cover—

Mr VENNING: Yes, we did recommend that, and I think it is already being addressed, because the birds certainly get a quick feed.

The Hon. I.P. Lewis: Did you get an assurance that they would be covered?

Mr VENNING: I am not sure about that: it is a few weeks ago now. I am happy to investigate and make sure that we have covers so that the birds cannot have easy pickings at these ladders. However, it is pleasing to know that they get it right.

Work also is being done in relation to carp. As the carp go through these ladders, because they jump, those involved were able to install a system where the fish will jump into a container, which catches them, and they do not go back into the river system. That is clever, too. I am happy to support any resource that goes towards developing that science.

The Hon. I.P. Lewis interjecting:

Mr VENNING: The member for Hammond highlights a problem: how does the system differentiate between a cod and a carp? I am told that the carp jump a certain way, and if a special bar is placed across the water the carp will jump over the top, whereas the other fish will go underneath. When they jump they go into a container and are prohibited from going back into the water. This will be a great opportunity, because not only do we have problems with native fish migrating up and down the river but also we have problems

with these feral fish, the European carp, invading the river and making it the cesspit that it is.

People say to me that they can remember the days when they could see the bottom of the Murray. It is a long time since I can recall seeing the Murray so clear that I could see the bottom. I hope that one day in my lifetime we might see it again, but I do not know about that.

As I said, I have enjoyed my involvement with the Public Works Committee, and this is no exception. It is a good project, and I think it has the full support of both sides of politics. I say to any government department that, if they undertake projects such as this, particularly where it involves vital, periodic maintenance or planned replacement, the parliament will, and should always, support it. I support the motion.

The Hon. I.P. LEWIS secured the adjournment of the debate.

PROTECTION OF PUBLIC PARTICIPATION BILL

Mr HANNA (Mitchell) obtained leave and introduced a bill for an act to encourage participation in public debate and dissuade persons and corporations from bringing or maintaining legal proceedings or claims for an improper purpose. Read a first time.

Mr HANNA: I move:

That this bill be now read a second time.

I am aware that we have just passed through the House of Assembly a defamation bill which substantially amends the defamation law in South Australia. I am also aware that that bill represented one part of a national series of bills which, if passed, will provide Australia with uniform defamation laws. However, this issue is of such importance that it should be debated as the subject of separate legislation, so I bring to the parliament a bill to protect public participation.

The essence of the bill is to put some obstacles in the way of those who are criticised in the course of public debate, perhaps because of their actions in public office, perhaps because of their proposed developments, or perhaps because of the way in which they run their business. Corporations and individuals in office and also in the corporate world are subject to criticism by the public in all these different scenarios. It is an essential part of our democracy that members of the public should individually or collectively be able to criticise the behaviour of corporate entities in that way.

I strongly objected to the right of corporations to sue when we were dealing with the defamation bill earlier this month. Indeed, if one looks at the origin of defamation law, one sees that it is about protecting an individual's right to reputation, and there is a very serious concern that, allowing the right of corporations to sue (albeit corporations with no more than 10 employees), corporations will be handed a very potent weapon to silence critics. That would be an extremely regressive and regrettable event in our democratic evolution.

The bill I have introduced specifically protects public participation (as defined) from spurious defamation claims. I can relate this bill to my own experience in supporting those who protested against the Hindmarsh Island or Kumarangk development, where developers promoted a bridge to Hindmarsh Island. In the end, it was supported by the state government. At various times, it was supported by both the older political parties. It brought a lot of anguish to various sections of the community not only around that area but around South Australia.

One of the unfortunate aspects of that whole saga was the series of defamation actions that were brought by the developers. I will not comment on the particular cases brought by those individuals or the individuals themselves, but I do bring that forward as an example of where justifiable public criticism of a very significant development was effectively silenced through the utilisation of the courts for that purpose. We also have a recent example in the Gunns' case where a major Tasmanian company is suing a whole range of people, not necessarily for defamation, but it is in the same vein of silencing critics where there is justifiable public criticism of corporate behaviour.

I will now quote extensively (or perhaps I should say plagiarise) an extract from an article by Dr Greg Ogle, probably my favourite bush lawyer. He was involved in the Kumarangk matter to which have I have referred, and I know that he is very closely following the Gunns' litigations. In an article entitled 'Chilling the environment movement', he wrote as follows:

In December 2004 the Tasmanian forestry giant, Gunns Ltd, sued one of Australia's major conservation groups, the Wilderness Society, five of its staff, and 14 other conservation groups and individuals (including Green members of parliament, Bob Brown and Peg Putt). In a huge suit claiming some $6.3 million damages, Gunns alleged that the defendants had interfered with their trade and business and contractual relations, and had conspired to injure Gunns. These claims arise from a series of alleged actions including disruptions to logging operations, defamatory media statements, and what they claim is unlawful lobbying of shareholders, customers and business contacts.

And overlaying all these actions has been the notion of a broad campaign (or conspiracy) against Gunns which makes all defendants liable for all actions—even where no direct involvement in particular actions is alleged.

The case obviously has huge implications for the defendants and the environment movement, but it is more than an isolated piece of civil litigation. The case has serious implications for free speech and the ability of the community to participate in protest, and it is one part of a wider struggle for the environment movement and a generational struggle for civil society.

The most obvious civil liberties concern raised by the Gunns case is the possible effect of scaring people into silence. This 'chilling effect' of large lawsuits on public debate has been noted in a variety of other cases, and cases which have that effect have been called SLAPP suits by American authors George Pring and Penelope Canaan (SLAPPS: Getting Sued for Speaking Out). Many jurisdictions in the US have introduced anti-SLAPP legislation to protect the political process and discourage such litigation.

There is no such legislation in Australia, but the Gunns' case is particularly problematic because of the sheer size of the case. The sums of money involved and the numbers of people joined as defendants (with a perceived element of randomness as to who was sued and who was not) are truly scary. But the size of the case also means that the resource implications of fighting the case are huge. Some of the individual defendants face huge legal bills for defending fairly simple claims because they are wrapped into a large case, and the time it takes to fight such a case means that even the most robust campaigners may be silenced simply by no longer having the time to engage in campaigning.

As the European court recently found in relation to the McLibel case, situations where individuals with few resources are pitted against large companies are inherently unjust. Even if the defendants eventually win, costs award is unlikely to cover anywhere near all the expense. Fortunately, despite the fear and the occasional actual silencings, the campaign to protect the remaining unprotected forests has continued thus far.

I interpose to say that, in his article, Dr Ogle then refers to a certain image that is painted in such litigation of environmental movements as if it is an opposition organisation structured in the same way that most corporations or established political associations might be. The quote continues:

This centralised 'command-control' view of a social movement may be at odds with most people's experience of the anarchy of movements, but a number of politically concerning issues come out of this legal attack. The alleged unlawful campaign against Gunns includes a whole range of actions which are not only legal in themselves, but are also core to our democratic rights (e.g. lobbying government). Yet these things suddenly become suable when viewed as part of an overall campaign which includes other allegedly unlawful acts—even when those acts are done by other people.

This notion of a grand campaign, or its earlier version as an overarching conspiracy, would effectively make public protest a legal minefield. It is one thing for the law to make fellow conspirators responsible where there is an agreement to do a particular action. It is quite another to hold political activists responsible for any and all actions done in the name of the cause they espouse, simply because they were movement leaders, or they did some (other) quite legal actions together.

The logic of these claims would make most political actions problematic. Any notion of a coalition of groups becomes impossible as any group could be held liable for the actions of any other group or person. Creating networks (as suggested by Kerry Brown in the Autumn 2005 issue of *Options*), sharing skills, spreading news of an issue into other relevant community groups, in short, all the things which are generally regarded as building a successful community campaign, would expose organisations to potential liabilities for the actions of other groups or individuals who may have participated in those campaigns. Further, on this logic, any community organisation would have to vet its volunteers and staff to ensure that they did not communicate with anyone likely to commit an unlawful act in a similar political cause (something already implied by at least one judge in a different case—Chapman and Ors v The Conservation Council of Australia).

Of course, it remains to be seen what a court will make of these claims, but the potential danger is huge. The McLibel case which created such bad PR for McDonalds effectively took civil litigation against activists off the agenda for major corporations for more than a decade. Most of the suits against community and environmental campaigners (at least in Australia) in the last 10 years have been brought by medium sized businesses—often developers with all their eggs in one basket. However, if Gunns succeeds in either tying up the environment movement in court for years, or worse, in making out its major claims, it will put litigation against political opponents back on the agenda of corporations.

This silencing potential, and the nature of the conspiracy/campaign claims, means that what is at stake here is nothing less than the community's ability to challenge and to hold corporate capital accountable.

One postscript I can add to that is that, in interlocutory proceedings, Judge Bongiorno of the Victorian Supreme Court has essentially thrown out the Gunns' writ in terms of how they have made out their claim. They can still pursue it, but, certainly, they have struck a hurdle in terms of the way in which it was initially drafted. The final outcome is yet to be seen.

The other point to be made about this type of litigation is that, although environmental activists have thus far been the target (at least in Australia), the potential is there for such a wide variety of groups to be caught up in this, whether they be animal rights' organisers, unionists fighting for workers' rights or a local community group fighting for better consultation regarding a government development.

I can think of a couple of local examples in the last few years. Some of the community campaigns in which I have been involved include one directed against Telstra for placing a mobile phone tower inappropriately; one against state government and council authorities for threatening to sell off open space treasured by locals; and a current example is the government decision to move the Oaklands railway station, allowing it to sell off land with precious old gum trees.

Such a wide variety of people can be caught under the current defamation laws. They need to be changed to ensure that people have the right publicly to participate in community campaigns and justifiably criticise the behaviour of corporations and proposed developments. I trust that the house will give these worthy ideas the consideration they deserve.

The Hon. I.P. LEWIS secured the adjournment of the debate.

ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE: MARINE PROTECTED AREAS

Ms BREUER (Giles): I move:

That the 54th report of the committee, entitled Marine Protected Areas, be noted.

This inquiry was referred by the Legislative Council to the Environment, Resources and Development Committee, which commenced its inquiry in September 2004. The committee received 16 submissions and heard from 14 witnesses during the inquiry, including evidence from state government agencies involved in marine protection, the seafood industry, conservation groups (such as Conservation Council of SA, the Wilderness Society (SA Branch) and the Marine and Coastal Community Network), representatives from the Encounter Pilot Marine Protected Area Consultative Committee and also interested members of the community. This was a very diverse group of people, with a wide variety of ideas and opinions with regard to the sustainable management of marine areas.

The committee was pleased to learn that South Australia already has over 4 per cent of its state coastal waters protected under the National Parks and Wildlife Act, the Fisheries Act and/or the Historic Shipwrecks Act. The Great Australian Bight is, of course, the largest example of a marine protected area in South Australian waters.

The government has proposed an additional 19 marine protected areas to be established by 2010. How this is achieved, and the time frame to achieve it, was a key focus of this inquiry. There was a general agreement between government, fishing groups and conservation groups that marine protected areas are required. The seafood industry believes in sustainable fish management as a key requirement for the longevity of the industry. The government and conservation groups want to maintain the biodiversity of the marine environment and provide an ecologically sustainable approach to marine management. Establishing representative marine protected areas is a means of achieving this, incorporating the principles of comprehensiveness, adequacy and representativeness for marine areas.

However, not all parties agree on how this should be achieved. The conservation groups believe that marine protected areas can be proclaimed now under existing legislation. However, the government argued that this is an untidy and clumsy way of declaring marine protected areas. The National Parks and Wildlife Act and the Fisheries Act do not adequately cover issues relating to biodiversity conservation and ecological sustainability for the marine environment.

The government intends to introduce legislation that will specifically address marine biodiversity conservation and ecological sustainability and the issues relating to this, such as the management of any mining and exploration in marine protected areas. Initially, the government announced the proclamation of the marine protected areas by 2003. However, the work involved in assessing and establishing the areas was underestimated and is taking longer than initially anticipated. The government believes it is important to get the

process of establishing and implementing marine protected areas correct and to consult widely with all stakeholders. The government does not believe that the time being taken to establish marine protected areas is unreasonable.

However, conservation groups dispute the need to take this long to proclaim the marine protected areas. They do not agree that new legislation is required and feel that this is only delaying the process. They also believe that the marine conservation section of government is under-resourced and are concerned that it will not achieve its goal of 19 protected areas by 2010. This is almost certain if a sequential establishment of marine protected areas is pursued.

The main concern with respect to the delay in proclaiming marine protected areas is that it is at the expense of marine conservation as aquaculture, fishing and, potentially, mining and exploration continue until the areas are proclaimed. Hence, the committee believes and recommends that legislation to proclaim and establish marine protected areas should be passed as soon as possible to minimise any delays in the process and protect the marine environment.

The committee was informed that, currently, there is no mining in marine parks in South Australia, although mining and exploration may be allowed. Mining and exploration are managed differently in each marine park, depending on how the marine park has been proclaimed. Specific legislation for marine protection could provide a single approach to mining and exploration in marine protected areas. Although the exact boundaries for the 19 marine protected areas have not been defined, there are currently no exploration or mining leases, or applications for leases, over these general areas. Therefore, the committee recommends the government includes in legislation criteria for mining and exploration in marine protected areas and that this ensures a minimal effect on the biodiversity of the area.

The seafood industry raised its concerns with the committee over the displacement of fishers and aquaculture industries from the proposed marine protected areas. It is concerned that the establishment of marine protected areas, without proper compensation to fishers and other seafood industries, would drive these operators to other areas, increasing the pressure on fish and other sea life in non-marine protected areas, thereby making these areas potentially unsustainable.

The seafood industry told the committee that it would like to see compensation packages offered to displaced industries and said that they should be negotiated at the commencement of the marine protected area process; and it would like to see the compensation package included in legislation. The government informed the committee that it was considering the issue of compensation for displaced industries. The committee encourages the government to identify how, and to what extent, it will compensate industries, and to make this known to the community, as it appears that the issue of compensation could hold up the process of establishing marine protected areas.

It was also highlighted by several witnesses that recreational fishers can have as much impact or an even greater impact on some fish stocks and the marine environment as can commercial fishers. In Port Phillip Bay, Victoria, for example, the committee was told that the recreational snapper catch is three times greater than the commercial catch. There appears to be little information available regarding the recreational fishing impacts on the marine environment in South Australia, and the committee recommends that the government collects data and considers the effect of recreational fishing on marine areas.

Other impacts on the marine environment include pollution from land-based activities, especially from coastal cities. It is important to consider terrestrial impacts when preparing a management plan for a marine protected area and to integrate any existing management plans such as natural resource management plans. There is a general need to integrate land and sea-based management and to stop looking at them in isolation.

As a result of this inquiry, the committee has made 25 recommendations, and looks forward to their consideration and implementation by the government. I would like to take this opportunity to thank all those people who contributed to the inquiry. I thank all those who took the time and made the effort to prepare submissions for the committee, and to speak to the committee. I point out that there was a dissenting report for the first time, I think, with the ERD committee, but the committee felt that the terms used were too broad and restrictive. I must extend my sincere thanks to the members of the committee: the Hon. Malcolm Buckby MP, Mr Tom Koutsantonis MP, the Hon. David Ridgway MLC, the Hon. Sandra Kanck MLC and the Hon. Gail Gago MLC. I also—

The Hon. I.P. LEWIS: On a point of order, Mr Speaker, for what purpose is it therefore permissible for a committee report to name members by their given names rather than the electorates they represent?

The SPEAKER: If a member is in the Legislative Council, their practice is to use their Christian and surname, but in this house we do not.

Ms BREUER: Then, Mr Speaker, I will redo it. It has never been an issue before. This is the first time that it has been pointed out.

The Hon. I.P. Lewis: It has always been an issue.

Ms BREUER: Not in the reports of the committee.

Mrs GERAGHTY: Mr Speaker, I rise on a point of order. Are they not members of the committee in their name and not members of the committee in their electorate? That is how it always appears in the papers.

The Hon. I.P. Lewis: Is not the way it is referred to in debate; it never has been.

The SPEAKER: I think it will be easier if the member for Giles restates it.

Ms BREUER: Mr Speaker, I will restate it. I want to express my sincere thanks to the members of the committee: the member for Light, the member for West Torrens, the Hon. David Ridgway MLC, the Hon. Sandra Kanck MLC, and the Hon. Gail Gago MLC. I also want to thank the current committee staff, Mr Phillip Frensham and Ms Alison Meeks, our research officer. I know that both staff members have been very busy in recent months because we have had a number of inquiries running concurrently, and they have put a lot of work in this report. I commend this report to the house.

The Hon. I.P. LEWIS secured the adjournment of the debate.

PUBLIC WORKS COMMITTEE: WILLUNGA PRIMARY SCHOOL REDEVELOPMENT

Mr CAICA (Colton): I move:

That the 225th report of the Public Works Committee, on the Willunga Primary School Redevelopment, be noted.

The Willunga Primary School site is to be redeveloped. This will involve construction of a new administration building closely associated with the new school entrance; a new teaching building, incorporating two serviced learning areas, three general learning areas, withdrawal space and student amenities; a multipurpose area that provides for a large assembly space; and a second teaching building which provides four general learning areas, a multi-use service learning area, withdrawal space and a teacher preparation area.

The proposal is driven by the need to improve the accommodation for the school, and to avoid the continuing and escalating high cost of maintenance of the building structures. It will also address non-compliance aspects of the existing facilities. In providing modern, efficient and functional areas for the effective delivery of education, the redeveloped school will provide an environment that meets all regulatory standards and encourages best practice educational facilities. The development will also improve traffic management, access and car parking; provide the best whole of life solutions to underpin the functional design of the redevelopment; consolidate built form and delineation of outdoor recreation areas, improving visual and physical access across the site; remove ageing transportable accommodation; improve the amenity of the site for the wider community; and aesthetically improve the presentation of the site.

The project capital cost based on completed documentation and a tender submission is $5.21 million. Construction is expected to be completed by November 2006. Demolition of the ageing transportable buildings means that a staged delivery of the project is needed to enable the operation of the school to be maintained throughout the redevelopment. The staged approach is being developed in consultation with the school to minimise disruption and ensure smooth school operations. In addition, the proponents are aware of the need to minimise any impact on operations during construction and to consider the decamping to permit construction operations to proceed.

General teaching facility services will be affected, but it is not anticipated that there will be a significant impact on the school's teaching delivery during the redevelopment. Temporary classes will be provided within the existing buildings whilst new facilities are constructed. The consultant team has addressed the staging requirements and developed a design that can be constructed while maintaining air-conditioning and electrical services to the operating school areas. Temporary fencing will be erected to limit access by students and staff during the course of construction. However, at times when a crossover of contractor staff and students will occur, appropriate management procedures will be put in place.

Activities by the consultant team include a significant assessment of environmental issues to ensure minimal impact upon the environment, and a major review of existing plant and equipment with an emphasis on achieving improved energy efficiency. The project will provide modern educational accommodation, reduce the highest level of risk, remediate contaminated hazardous materials, meet legislative compliance requirements, and deliver DECS benchmark accommodation for the primary school students. It will also provide an increase in teaching possibilities for students, and provide opportunities for enhanced professional learning for all staff, given the restrictions of the current staffroom. Based upon this evidence, the Public Works Committee reports to parliament that it recommends the proposed public work.

Motion carried.

PUBLIC WORKS COMMITTEE: PORT ELLIOT PRIMARY SCHOOL AND KINDERGARTEN RELOCATION

Mr CAICA (Colton) I move:

That the 226th report of the committee, on Port Elliot Primary School and Kindergarten relocation, be noted.

The Port Elliot Primary School and kindergarten are to be relocated and collocated. Broadly, the project includes:

- the construction of new upper and junior primary school buildings to provide new general learning areas, library resource centre, administration building, practical activity areas and withdrawal spaces;
- the construction of a standard primary school multi-purpose activity hall;
- site works including car parking, landscaping, play-grounds and the upgrade of the adjacent showgrounds oval;
- upgrade of site infrastructure;
- the construction of a new preschool facility on part of the site of the primary school to facilitate collocation; and
- relocation of the existing Port Elliot Kindergarten.

Redevelopment is the only option that will accommodate the future expansion of the primary school, a multipurpose school hall with car parking and access to an oval and play areas. The proposed new facilities, inclusive of new site infrastructure, are estimated to cost $8.908 million (excluding GST) and will be completed by October 2006.

The design of the relocated school will address several design principles, including:

- provision of an environment that meets all current regulatory standards and encourages best practice educational facilities;
- application of contemporary interior space planning principles with the selection of materials to provide the best whole-of-life solutions which will underpin the functional design of the redevelopment;
- use of a colour palette that best suits a modern teaching environment and respects the needs and expectations of both students and staff;
- consolidation of built form and delineation of outdoor recreation areas, improving visual and physical access across the site; and
- removal from the old site of ageing Demac transportable accommodation.

The key drivers of the project are the limited capacity of the existing site to accommodate projected enrolments and the need for improved accommodation to avoid the continuing, and escalating, high cost of maintenance of the building structures.

Collocating the kindergarten facilities with the primary school also enhances opportunities for improved learning through the benefits of transition between the early childhood and junior primary years of learning. The relocation will be constructed in two stages. Stage 1 will involve the demolition of existing cattle yards, site sheds and fences, as well as construction of the kindergarten, car park, play areas and site infrastructure works. In stage 2 there will be construction of a new junior and upper primary facility comprising nine general learning areas, workroom, withdrawal areas, staff preparation rooms, store rooms, outdoor learning areas, a new

library resource centre, an administration building and a new capital works assistance scheme activity hall as well as car parking for school and community use. The second stage will also incorporate an upgrade of the Southern Agricultural Society Oval to DECS requirements.

General teaching facilities and services will not be affected on the existing primary school site, as the new school and kindergarten will be completed prior to relocation. Similarly, it is not anticipated that there will be any significant impact on the school's teaching delivery during the relocation. Activities by the professional service contractor team include a significant assessment of environmental issues to ensure minimal impact upon the environment, thermal modelling and a review of different air-conditioning plant and equipment with an emphasis on achieving improved energy efficiency.

The new buildings have been designed to maximise access to natural light, reducing reliance on artificial light sources. High-level windows and skylights are included to provide additional natural day lighting to central workspaces. The minimisation of energy use by maximising passive design opportunities is a primary design objective. The contractor will be required to submit a policy for the environmental site management and will be required to undertake all demolition works in a manner that will facilitate and maximise the re-use or recycling of the resultant materials. Construction of a CWAS funded standard primary school activity hall on land adjacent to the primary school will enhance curriculum, learning and joint use opportunities. The new school library will not be a community library, and the committee is disappointed that this is not the case. However, the committee has not received evidence about the local council's reasons for not pursuing this option and so we make this view known as a matter of principle rather than as a criticism of the decision in this particular instance.

Based on the evidence received, the Public Works Committee recommends the proposed work. In conclusion, I would say that today has been an extremely busy day for the Public Works Committee and that over the last few months we have attended to many matters that have resulted in the reports that we have presented today. In closing, I acknowledge my fellow committee members, the members for Unley, Schubert, West Torrens and Norwood with respect to their ability to be flexible in regard to meeting times and their ability to make sure that the committee is available at all times to ensure that parliament and the committee structure is responsive in their best intentions to the needs of departments, the government and the parliament. I also thank, congratulate and put in the same category, our outstanding Principal Research Officer, Mr Keith Barrie, and also acknowledge the work undertaken by our Research Officer, Mr Jonathon Dyer. With that I commend the report to the parliament.

Ms THOMPSON (Reynell): I would also like to speak on this matter. Some time ago I had the pleasure of representing the Minister for Education at a ceremony to mark the hand-over of the showgrounds from the agricultural society to DECS. It was a ceremony of quite considerable moment, and the agricultural society noted that it was one of the few such societies in the state, if not in Australia, to actually own its showgrounds, thanks to the wisdom of the pioneers of the area and thanks to a lot of very concerted community action in the intervening years. It was clear that this was a real community decision. It had not been made easily, but the show society had worked out how it could benefit from a land swap and how the community could benefit from an improved schooling situation.

Those present, including the school Principal and Deputy Principal, pointed out that the Port Elliot school has been growing quite rapidly. This was quite a recent phenomenon, as several years ago the assessment had been made that the school numbers would be quite stable for the foreseeable future and that the sudden love affair of Australians for the coast had produced a change in the forecasts for school attendance. However, they were very quick to point out that the rapid rise in enrolments was not just from those who could afford to live in beautiful seaside mansions or even beautiful holiday homes with sea views; that in fact the Port Elliot Primary School was expanding as a result of many people who were struggling to find housing coming to live in Port Elliot.

Many of these families are accommodated in old mine workers' homes, transportable homes that have been moved into the areas well away from the salubrious coastal views. This has meant that Port Elliot Primary School finds itself with many challenges to meet the needs of a community where many of its members are struggling. It has adopted a very practical approach to involving students from families that do not have a strong tradition of educational achievement, and it is using a very hands-on approach to research into the Murray Mouth, for instance. Many members will have heard the CD that was produced by the school in association with a national country identity, called *Let the river flow*, as I recall. It was a very catchy tune, very well done and has involved the school in developing a presence statewide and getting a reputation as a leader both in educational and environmental research.

It has set out to forge strong relationships with the indigenous community of the area, and the reports I had on the day were that this was very successfully done. The relocation of the Port Elliot Primary School means not only that the students and staff will be accommodated in much more pleasant and environmentally friendly buildings but that safety will be improved as the school buildings will be moved from the main road to a side street. This will make the functioning of the school much easier for those who work and study in it as well as for the many parents who are involved in the activities of the school.

It was quite inspiring to see the way this community had come together to make a land deal swap, which was in some ways painful for the members of the Agricultural Society but one that they could see could be turned to the benefit of the whole community and ensure that their very active agricultural show is continuing in Port Elliot. One remaining matter that the community was trying to work through at that time was the disposition of the historic school building, and there seemed to be a lot of lobbying going on at that ceremony about its preservation and the community trying to work out a practical but economical use for what it sees as this important part of its heritage.

I was very pleased to have the opportunity to enjoy this local community event. I thank the Minister for Education and Children's Services for that opportunity and commend the committee's report to the house.

The Hon. I.P. LEWIS (Hammond): Lest I miss the opportunity to say something constructive and useful about public works matters, particularly where they relate to buildings, I will take it now in the context of the Port Elliot

Primary School and kindergarten relocation as this specific instance where the remarks that I am pleased to make relate to all schools, not just this particular school. It disappoints me then to have to note, and in doing so make the observation, that it is about time we understood the grave risk to which school buildings are exposed to arsonists, particularly people who for one reason or another have an attitude to school that is antagonistic.

As they go into late adolescence, they see the school as having contributed in some way or other to their lack of self esteem or any other means of establishing their place in the pecking order of society, where they regard the school, for whatever reasons, as having failed them, properly or improperly; more often than not, improperly. Were it not for the formal and traditional design of the school, we could have achieved some change in outcome. The Public Works Committee might have done well in circumstances such as Port Elliot, where the school is being relocated to a new site, to have encouraged in the first instance—I do not expect the government to do it: the minister is not thinking about such things.

No minister ever does and no public servant does, because public servants win their spurs and promotion by dealing with the existing order of things and not by suggesting something that is in any sense a bit different. But the buildings ought to have been earth bermed. It is about time we did some experiment in that respect. They are cheaper to construct. They have zero maintenance on all the earth bermed walls and they provide the means of establishing a new school on a new campus in an area where the population is most certainly for the next hundred years or so going to require a school to be there present and, therefore, permanent rather than of a temporary nature, such that we can use pre-stressed concrete or other materials in providing a support, that is the structure integrity of the enclosed space, against which the earth is then piled up. It is especially important to select a site which is sloping, which is not at the lowest point in the neighbourhood, in which the excavation that is then made enables the building to be put there and the dirt put back over it. It means that the kids can run over the school. No such contemplation was undertaken by either the government or in questioning by the Public Works Committee. That is obvious from the evidence in the report.

If we do not do these things—if we do not think about ways in which we can eliminate arson by preventing people from setting fire to schools by virtue of the fact that on three sides (or at least two sides and on the roof) they are earth burned, and if we do not think of ways of reducing maintenance and if we do not think of ways of preventing increased run-off from the sites on which we establish our public buildings—why should the public bother to think about it in their private, personal context? They will not. Yet, they could, and it would be much better for this state if they did. It would save us a lot of expense. That expense would be in the maintenance downstream once the buildings were constructed, and it would not incur additional capital costs during the construction phase. They are cheaper, because there is no necessity to protect the outer surfaces of the prestressed concrete slab on those sides where the earth is piled up against it.

It strikes me that Port Elliot, where sand and sandy loam as well as sloping land are available, would have been an ideal site on which to do that. However, no such attempt was made, sadly, to contemplate it. I repeat that the amount of run-off we find arises in consequence of our sealing the ground around the buildings and putting a roof upon them is far greater, and that run-off is far more rapid than would be the case if the building was not there, because there is no impediment to the rain once it has fallen to run freely across the paved surface or the roof material. That increases acutely the rate of discharge down the stormwater mechanisms and to sea, in cases like Port Elliot.

If we had done as I am suggesting and set the buildings in an octagon, facing outwards, and put on the upper storey, where the prestressed concrete slab forms the roof of the classroom, a simple roof for shelter for recreational purposes, you could have an amphitheatre of a playing ground surrounded by the buildings of the school and covered with lawn, which would then absorb the water and there would be no run-off from the schoolyard or the buildings' roofs at all. Where the run-off came from the roof providing the shade, if you did not use shade cloth on the poles above the earth burn building itself, it could be trapped and used as drinking water.

Debate adjourned.

MENTAL HEALTH

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I seek leave to make a personal explanation.

Leave granted.

The Hon. DEAN BROWN: The Minister for Health made a ministerial statement earlier this afternoon. She claimed in that statement:

> The deputy leader said that he got his information from reliable sources, but he appears, yet again, to be wrong.

The ministerial statement then went on to talk about the fact that a registrar from the Western ACIS team applied for the position at the RAH and won it on merit. The statement then goes on to say that there had been a temporary transfer for the next four months (I presume it was meant to be 'four'; it was spelt 'for' in the ministerial statement) of a psychiatrist from the Rural and Remote Mental Health Service to the Royal Adelaide Hospital. That is exactly what I said to the house today during question time.

I draw the attention of the house to what I said in question time. I said that a psychiatric registrar from the Western ACIS Mental Health Team had been moved to the Royal Adelaide Hospital and that the government had also moved a psychiatrist from the Rural and Remote Mental Health Team at Glenside Hospital to the Royal Adelaide Hospital, which is the basis for the minister's claim.

Mr Deputy Speaker, I want it clearly understood by you and this house that what I said in question time today was, in fact, exactly what the minister has acknowledged in her ministerial statement. Therefore, the minister was quite wrong when she said that yet again I was wrong. I was dead right, and the minister has acknowledged in her own statement that I was right. Therefore, I claim to have been misrepresented by the minister in her making that earlier statement.

CONTROLLED SUBSTANCES (SERIOUS DRUG OFFENCES) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984; and to make related amendments to the Correctional Services Act 1982, the

Criminal Assets Confiscation Act 2005, the Criminal Law (Sentencing) Act 1988 and the Listening and Surveillance Devices Act 1972. Read a first time.

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

That this bill be now read a second time.

The present serious criminal offences dealing with possession, use and trafficking in illicit drugs such as heroin, cocaine, amphetamines and cannabis are contained in the Controlled Substances Act 1984. That act closely followed the model recommended in the 1979 report of the (Sackville) Royal Commission into the Non-medical Use of Drugs. The act also contains controls on all kinds of substances, of which the serious illicit drugs are only one. This linkage between the control of illicit drugs and health issues in a single act was a pillar of the philosophy of the royal commission report and is typical of legislation of that time in other jurisdictions.

In October 1998, the Model Criminal Code Officers Committee of the Standing Committee of Attorneys-General (known for short as MCCOC) produced a report on serious drug offences. It proposed a series of simple and heavily punished major offences dealing with commercial drug dealings, while leaving questions of possession and use to interact with the undoubted health considerations that may come into play there. The committee argued for a national approach to serious drug offences and stated:

The illicit drug distribution system operates Australia-wide and internationally. Australia has undertaken international obligations requiring severe criminal measures against individuals who play a significant commercial role in the organised traffic in drugs. Though there is room for variation in legislative measures directed to the control of use and minimisation of harm to users, the arguments for uniformity in measures directed against commercial exploitation in the illicit market are clear and compelling.

At the meeting of the Council of Australian Governments dealing with terrorism and multi-jurisdictional crime, held on 5 April 2002, it was agreed 'to modernise the criminal law by legislating in the priority areas of model forensic procedures (during 2002), model computer offences (during 2002), and model serious drug offences (during 2003)'.

The model serious drug offences referred to are those recommended by MCCOC. However, the drafting of these provisions has proved to be a difficult task, and the time required to complete the task has accordingly been lengthened. Honourable members may recognise that the other measures mentioned in this part of the agreement have come to parliament. I seek leave to have the balance of the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

The Proposals For Serious Drug Offences

The core of the proposed drug offences is a familiar and simple set of structured offences. They are trafficking in a controlled drug, trafficking in a commercial quantity of a controlled drug and trafficking in a large commercial quantity of a controlled drug. The general trafficking offences are supplemented by a similarly tiered structure of offences on manufacture (manufacturing, manufacturing a commercial quantity, manufacturing a large commercial quantity) and on cultivation of controlled plants (cultivation, cultivation of a commercial quantity, cultivation of a large commercial quantity). In each case, the concept of trafficking, cultivating and manufacturing includes taking a step in the relevant process, which is in turn defined widely to include all kinds of participation in the prohibited behaviour. All have similar reverse onus provisions about intention and belief.

This kind of simple, rational and transparent structure is the principal purpose of the overhaul of serious drug offences proposed in the Bill. It sets out to replace a chaotic and ad hoc set of sentencing provisions now in s 32 of the Act. But the Bill also contains additional attractions.

There is a special set of provisions about children. They deal with selling, supplying or administering a controlled drug to a child or possessing a controlled drug intending to sell, supply or administer the drug to a child or procuring a child to commit any serious drug offence. These offences cannot be committed by a child because they are designed to protect a child from predatory adults. They are punishable by life imprisonment.

The proposed provisions contain serious offences aimed at what are commonly called precursor drugs and drug laboratories. Precursors are substances used to make controlled drugs. It is proposed to have serious offences with the (by now) familiar structure of sale of a controlled precursor, sale of a commercial quantity of a controlled precursor and sale of a large commercial quantity of a controlled precursor, each with the belief or intent that it be used to manufacture a controlled drug.

The recommended provisions also contain some advantages of a procedural nature. For example, the variation between seriousness of offences depends upon the amounts classified as commercial quantities and large commercial quantities. This also depends upon whether the quantity is expressed as being a pure amount or a "mixture". These are very technical questions. The Model Criminal Code proposal is unique in that it proposes a specification of both pure and mixed amounts, with the prosecution being able to choose either. This is an important change. There are also procedural provisions allowing the prosecution to aggregate organised repeated small transactions into one big transaction and to aggregate many repeated offences on different occasions into a single large occasion.

The More Minor Offences

The current more minor offences have been redrafted and put in a different place. They will now be found in Part 5 Division 4. Aside from the familiar offences of possession, consumption, use and so on, this Division contains the offences of manufacture, cultivation, supply and administration of controlled drugs—that is, behaviour that goes beyond the incidence of mere use, but where a commercial element did not exist or cannot be proven. Where these offences are the same as existing offences, the same maximum penalties apply. Where the new offence supplements a commercial offence as backup, clearly a lesser penalty is appropriate, but rather more than mere use would attract.

Penalties

The proposed offences and their maximum penalties may be summarised as follows:

Offence	Maximum Penalty
Trafficking in large commercial quantity	$500 000 or life or both
Trafficking in commercial quantity	$200 000 or 25 years or both
Trafficking	$50 000 or 10 years or both
Manufacture of large commercial quantity for sale	$500 000 or life or both
Manufacture of commercial quantity for sale	$200 000 or 25 years or both
Manufacture for sale	$50 000 or 10 years or both
Sale of large commercial quantity of precursor	$200 000 or 25 years or both
Sale of commercial quantity of precursor	$75 000 or 15 years or both
Sale of precursor	$50 000 or 10 years or both
Manufacture of precursor with intent	$50 000 or 10 years or both

Offence	Maximum Penalty
Cultivation of large commercial quantity for sale	$500 000 or life or both
Cultivation of commercial quantity for sale	$200 000 or 25 years or both
Cultivation for sale	$50 000 or 10 years or both
Sale of controlled plants (large commercial quantity)	$500 000 or life or both
Sale of controlled plants (commercial quantity)	$200 000 or 25 years or both
Sale of controlled plants	$50 000 or 10 years or both
Sell, supply or administer to child	$500 000 or life or both
Procuring a child to traffic	$500 000 or life or both
Supply or administration of controlled drug, possession with intent to supply	$50 000 or 10 years or both (cannabis or cannabis resin $2 000 or 2 years or both)
Manufacture controlled drug	$35 000 or 7 years or both
Cultivation of controlled plants	Sequence of penalties (cannabis separated) ranging from $500 to $2 000 or 2 years or both (unchanged)
Basic use and possession offences	$2 000 or 2 years or both (unchanged)

The Bill proposes the enactment of a logical, common-sense, refined structure for the tough and effective prosecution of serious drug offences. It deserves the support of the Parliament.

Other Miscellaneous Proposed Amendments

The Government has taken this opportunity to include a variety of other amendments to the *Controlled Substances Act*, many of which have been proposed for some time. It should not, however, be thought that they lack virtue or are any the less important for that. These amendments are as follows:

1. Powers of Authorised Officers (s 52)

There are three parts to this proposal.

Power to Enter Unlicensed Premises

Section 52 currently provides powers to authorised officers that enable them to enforce the Act and Regulations. Under this section, the power to enter premises can only be used when a warrant has been obtained to do so except where the premises is being used for an activity that is subject to a licence, authority or permit granted under the Act. This exception allows routine inspections of such premises to be conducted by officers of the Department of Human Services (DHS) so that compliance with general requirements of the Act such as those relating to storage, record keeping and labelling of poisons and therapeutic goods can be assessed. The DHS also conducts routine inspections in other commercial premises that do not require a licence, authority or permit under the Act to operate. Such premises include pharmacies, medical surgeries, pet suppliers and hardware retailers. The Bill proposes that the current allowance for entry without a warrant in section 52(4) be extended to include any commercial premises where therapeutic goods or poisons are manufactured, stored or supplied.

Entry under Warrant

Section 52(11) permits an authorised officer exercising power under the Act to be 'accompanied' by such persons as necessary. In comparison, the *Summary Offences Act, 1953* allows the holder of a general search warrant to act "with assistants as he or she thinks necessary". These two provisions have been interpreted differently in practice. To enable the warrant issuing process to be streamlined while maintaining appropriate restrictions over the power to enter premises section 52 will be aligned with the *Summary Offences Act*.

Electronic Evidence

The Bill updates the powers provided under the Act to search, seize etc by clarifying the meaning of "documents" to include electronic documents and to include films or any audio or audiovisual record.

2. Extension of Research Permits (s 56)

Currently section 56 provides for the issuing of permits to manufacture, sell, supply or possess poisons, prohibited substances, therapeutic substances or therapeutic devices for the purpose of research, instruction or training. To provide legal certainty, it is proposed that section 56 be amended to provide explicitly for the issuing of a research permit for the purpose of analysis.

3. Authority to Prescribe or Supply a Drug of Dependence (s 33)

Section 33 requires a medical practitioner to obtain an authority before prescribing or supplying 'a drug of dependence to a person for use by that person continuously for a period exceeding 2 months'. An authority is also required to prescribe or supply to a person who is drug dependent, which is defined in section 32(2) as a person who is dependent on a drug of dependence.

An amendment to these provisions has been included to provide legal clarity and ensure that the wording reflects the intent of the legislation.

4. Minister's Powers to Publish Information (s 58)

Section 58 provides the Minister with power to publish information where the Minister believes on reasonable grounds that a person has obtained a prescription drug by false pretences or other unlawful means. The section only allows the release of this information for the purpose of preventing or restricting the supply of medications to the person concerned. The type of unlawful activity covered by this section includes persons seeking to be prescribed excessive amounts of a medication from a number of medical practitioners due to their own dependence on the medication or for the purpose of illegal supply to others. Other examples include the use of stolen prescription pads to obtain medications from pharmacists. The section is used to ensure that the appropriate professionals are informed of unlawful activity as soon as possible to prevent or restrict the person obtaining further medication supplies. A person that receives any information under this section of the Act is not permitted to communicate that information to any other person except as necessary to achieve the purpose for which they received the information. The Bill will expand the circumstances where information can be published in the interests of protecting public health, but this power would continue to be restricted to situations where the Minister has reasonable grounds to suspect unlawful activity.

Expansion to other medications

Section 58 currently applies to prescription medications. There is evidence that non-prescription medications are also obtained by unlawful means or for unlawful purposes. In order to better control the illicit use of all medications, this section will be expanded to cover all therapeutic substances.

Lawful purchase for unlawful purposes

The section is currently limited to persons reasonably suspected of obtaining medications under false pretences or other unlawful means. There is, however, evidence of persons lawfully obtaining drugs for unlawful use or distribution to a third party for unlawful use, which also has public health consequences. The Bill therefore expands the criteria under which the Minister can publish information to include the case where there are reasonable grounds to suspect a person has lawfully obtained a medication for unlawful purposes or to supply to a third party for unlawful purposes.

Legal Certainty Relating to provision of information to the Police, other State and Territory Health Authorities and Professional Bodies

It is in the public interest to be able to alert other State and Territory Health Authorities and the SA Police to the names of persons that may be seeking to unlawfully obtain or use medications. The Bill clarifies this.

5. New Provision Relating to Licences, Authorities & Permits (s 55)

Section 55 provides the power to grant or refuse licences, authorities or permits at the discretion of the Minister. The section also provides power to revoke licences, authorities or permits under specified conditions. There is no provision however for suspension

of these instruments which may be more appropriate than revocation in a situation where a problem is in the process of being rectified. The Bill will allow suspension on the same condition as revocation.

6. Ministerial Power to Issue Mass Media Warnings

A new power is proposed to ensure that the public can be informed of any substandard substance or device that is used for therapeutic purposes and presents a risk to public health. This power would allow the Minister to take action in relation to products that are not covered by the Commonwealth *Therapeutic Goods Act*. Examples include where a pharmacist or a medical practitioner extemporaneously prepares a therapeutic good for a patient and most homeopathic preparations. Advertising and promotion of substances may also pose a risk to public health if, for example, inappropriate or dangerous use of a chemical is advocated. Therefore, this power is extended to allow prohibition of harmful advertising and promotion of poisons, therapeutic substance and devices.

7. Ministerial Power to Act to Protect Public Health (s 21)

Section 21 currently provides the power for the Minister to prohibit the sale or supply of a substance or device that should not be sold pending evaluation of its harmful properties. When a substance emerges that may be misused (notably a new designer drug) and presents a risk to the public, there is also a need to act quickly before that substance becomes a drug of choice for drug users. To protect public health, this section is expanded to allow the Minister to also temporarily prohibit the possession and administration of such a substance while inclusion in the *Prohibited Substances Regulations* is further investigated.

8. Automatic Vending Machines (s 20)

Section 20 of the *Controlled Substances Act*, which has not been brought into operation to date, prohibits the installation, sale or supply of a poison or therapeutic substance by means of an automatic vending machine. This section will be brought into operation. It is now restricted to all poisons plus those therapeutic substances that are prescribed in the Regulations. The provision will be amended to extend to therapeutic devices and will also cover all poisons and therapeutic substances unless they are excluded by Regulation.

9. Certificates of Analysis (s 52)

An amendment is proposed which allows automatic recognition of Certificates of Analysis issued by analysts appointed in other jurisdictions under corresponding legislation and provides such certificates with the same evidentiary weight as those issued in South Australia under section 52 of the Act.

10. Ministerial Power to Require Information (s 60)

Section 60(1) provides the Minister with power to require certain information to be provided by persons who manufacture, pack, sell, import or advertise a substance or device. This must be done in writing and given to those affected personally or by post. This power is limited however in that such information can only be sought for the purpose of ascertaining whether the substance or device is, or ought to be one to which the Act applies. Information is also required when investigating whether current controls over a substance or device that are known to be regulated by the legislation are adequate. Information such as ingredients, wholesale purchases and sales volumes should be able to be obtained to assess whether current controls should be tightened or a different mechanism of control would be more appropriate. Section 60 is expanded to allow the Minister to also require information to be provided for the purpose of assessing whether current controls over a substance or device are adequate and appropriate.

11. Membership of the Controlled Substances Advisory Council

The Controlled Substances Advisory Council is constituted under Part 2 of the Act with defined membership and functions. The membership of the Council will be expanded to include a person with legal expertise.

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 *Controlled Substances Act 1984*

4—Amendment of section 4—Interpretation

This clause amends section 4(1) of the Act to insert various new definitions necessary for proposed new Part 5 Divisions 1 to 5, to update certain legislative references in existing definitions and to replace some of the existing definitions with new ones that are worded appropriately for the proposed new Part 5 Divisions 1 to 5. In particular it may be noted that where the Act currently refers to "a drug of dependence or a prohibited substance", this terminology is to be replaced by the new concept of a ***controlled drug*** (which is defined to include drugs of dependence and other substances declared to be controlled drugs). Other new terms that are central to the measure include those of ***controlled plant***, ***controlled precursor***, ***trafficable quantity***, ***commercial quantity*** and ***large commercial quantity***.

A new definition of ***simple possession offence*** has also been substituted which is less complex than the current definition.

The current subsection (3) is replaced consequentially to the new definition of ***controlled drug***.

Proposed new subsections (4) to (8) define the concept of "taking part" in the process of sale, manufacture or cultivation of a controlled drug or controlled plant.

5—Amendment of section 6—The Controlled Substances Advisory Council

This clause increases the number of members of the advisory from 9 to 10 and ensures that one member will be a legal practitioner with appropriate expertise.

6—Amendment of section 10—Conduct of business

This clause consequentially increases the quorum to 6 members.

7—Amendment of section 12—Declaration of poisons, prescription drugs, drugs of dependence, controlled drugs etc

This clause amends section 12 consequentially to the introduction of the terms ***controlled drug***, ***controlled precursor*** and ***controlled plant*** (allowing the Governor, by regulation, to declare substances to be controlled drugs, controlled precursors and controlled plants).

8—Amendment of section 13—Manufacture and packing

Under clause 4, a new definition of ***manufacture*** is inserted in the Act. That definition relates to the manufacture of controlled drugs and is framed very broadly for the purposes of the proposed new Part 5 Divisions 1 to 5. Under section 13, however, a person must not manufacture a poison, therapeutic substance or therapeutic device unless the person is acting in the course of certain specified professions or is the holder of a licence. Because the definition of ***manufacture*** in section 4 is unsuitable for this particular section, a definition of ***manufacture*** is inserted specifically for the purposes of this section. Because the definition inserted includes production, the word "produce" is deleted from subsection (1).

9—Amendment of section 18—Sale, supply, administration and possession of prescription drugs

This amendment limits the application of section 18(3) to prescription drugs other than drugs of dependence, thereby avoiding any overlap with Part 5.

10—Insertion of section 18A

Currently, section 33 of the principal Act (which is contained in Part 5 Division 1) imposes certain restrictions on supply of a drug of dependence by a medical practitioner or dentist. Because Part 5 Division 1 is to be replaced with the new Part 5 Divisions 1 to 5, it is necessary to move the current section 33 to another Part of the Act. In addition, certain changes are proposed to the way the provision operates. Proposed section 18A is the amended version of the current section 33.

18A—Restriction of supply of drug of dependence in certain circumstances

This clause provides that a medical practitioner or dentist must not prescribe a drug of dependence to a person for regular use by the person for a period exceeding 2 months (or for any other period which would mean that the person had been prescribed a drug of dependence for a period which, in total, exceeds 2 months) or to a person who the practitioner or dentist has reasonable cause to believe is dependent on drugs unless the practitioner or dentist is authorised by the Minister to so prescribe the drug or prescribes it in circumstances exempted by regulation. The current penalty for the offence is unchanged ($4 000 or 4 years imprisonment).

Subclause (2) sets out the circumstances in which a person will be regarded as being dependant on drugs for the purposes of the provision. Subclauses (3), (4) and (5) relate to applications for, and the grant of, Ministerial authorisations. Subclauses (6) and (7) provide for the grant of temporary authorisations in case of an emergency. Subclause (8) allows for revocation of an authority granted under the section.

11—Amendment of section 20—Prohibition of automatic vending machines

This clause amends section 20 to apply that section to poisons, therapeutic substances and therapeutic devices. The regulations may, however, specify poisons, therapeutic substances and therapeutic devices (or classes of poisons, therapeutic substances and therapeutic devices) to which the provision does not apply.

12—Amendment of section 21—Sale, supply, possession or administration of other potentially harmful substances or devices

Currently section 21 allows the Minister, by notice in the Gazette, to prohibit the sale or supply of substances or devices in certain circumstances. This clause amends section 21 to widen the prohibition power by allowing prohibition of sale, supply, possession or administration.

13—Substitution of heading to Part 5

This clause deletes the current heading to Part 5 and replaces it with the Heading "Offences relating to controlled drugs, precursors and plants".

14—Substitution of Part 5 Division 1 and heading to Part 5 Division 2

This clause deletes the current Part 5 Division 1, and the heading to Division 2, and replaces it with provisions as follows:

Division 1—Preliminary

31—Application of Part

This clause sets out circumstances in which the Part does not apply.

Division 2—Commercial offences

Subdivision 1—Trafficking in controlled drugs

32—Trafficking

This clause sets out offences of trafficking in a large commercial quantity of a controlled drug (punishable by a fine of $500 000 or imprisonment for life, or both), trafficking in a commercial quantity of a controlled drug (punishable by a fine of $200 000 or imprisonment for 25 years, or both) and trafficking in a controlled drug (punishable by a fine of $50 000 or imprisonment for 10 years, or both). Subclause (4) provides that an offence against subclause (3) involving cannabis, cannabis resin or cannabis oil must be prosecuted and dealt with as a summary offence (but if the court is of the view that a penalty exceeding 2 years imprisonment is warranted, then sentencing must be dealt with by the District Court). Subclause (5) sets out presumptions relating to intention or belief which will apply in proceedings for an offence against the provision where it is proved that the defendant had possession of a trafficable quantity of a controlled drug.

Subdivision 2—Manufacture of controlled drugs

33—Manufacture of controlled drugs for sale

This clause sets out offences of manufacturing a large commercial quantity of a controlled drug, intending to sell it or believing that another person intends to sell it (punishable by a fine of $500 000 or imprisonment for life, or both), manufacturing a commercial quantity of a controlled drug, intending to sell it or believing that another person intends to sell it (punishable by a fine of $200 000 or imprisonment for 25 years, or both) and manufacturing a controlled drug, intending to sell it or believing that another person intends to sell it (punishable by a fine of $50 000 or imprisonment for 10 years, or both). Subclause (4) sets out presumptions relating to intention or belief which will apply in proceedings for an offence against the provision where it is proved that the defendant manufactured of a trafficable quantity of a controlled drug.

33A—Sale, manufacture etc of controlled precursor

This clause sets out offences of—

- selling a large commercial quantity of a controlled precursor, believing that the person to whom it is sold, or another person, intends to use to unlawfully manufacture a controlled drug (punishable by a fine of $200 000 or imprisonment for 25 years, or both);
- selling a commercial quantity of a controlled precursor, believing that the person to whom it is sold, or another person, intends to use to unlawfully manufacture a controlled drug (punishable by a fine of $75 000 or imprisonment for 15 years, or both);
- selling a controlled precursor, believing that the person to whom it is sold, or another person, intends to use to unlawfully manufacture a controlled drug (punishable by a fine of $50 000 or imprisonment for 10 years, or both);
- manufacturing a controlled precursor, intending to unlawfully manufacture a controlled drug and intending to sell the drug or believing that another person intends to sell it (punishable by a fine of $50 000 or imprisonment for 10 years, or both);
- manufacturing a controlled precursor, intending to sell the precursor to another person and believing that person or another person in tends to use it to unlawfully manufacture a controlled drug (punishable by a fine of $50 000 or imprisonment for 10 years, or both).

Subdivision 3—Cultivation and sale of controlled plants

33B—Cultivation of controlled plants for sale

This clause sets out offences of cultivating a large commercial quantity of a controlled plant, intending to sell any of them or their products or believing that another person intends to sell any of them or their products (punishable by a fine of $500 000 or imprisonment for life, or both), cultivating a commercial quantity of a controlled plant, intending to sell any of them or their products or believing that another person intends to sell any of them or their products (punishable by a fine of $200 000 or imprisonment for 25 years, or both) and cultivating a controlled plant, intending to sell it or any of its products or believing that another person intends to sell it or any of its products (punishable by a fine of $50 000 or imprisonment for 10 years, or both). Subclause (4) provides that an offence against subclause (3) must be prosecuted and dealt with as a summary offence (but if the court is of the view that a penalty exceeding 2 years imprisonment is warranted, then sentencing must be dealt with by the District Court). Subclause (5) sets out presumptions relating to intention or belief which will apply in proceedings for an offence against the provision where it is proved that the defendant cultivated a trafficable quantity of a controlled plant.

33C—Sale of controlled plants

This clause sets out offences of selling, or possessing intending to sell, a large commercial quantity of a controlled plant (punishable by a fine of $500 000 or imprisonment for life, or both), selling, or possessing intending to sell, a commercial quantity of a controlled plant (punishable by a fine of $200 000 or imprisonment for 25 years, or both) and selling, or possessing intending to sell, a controlled plant (punishable by a fine of $50 000 or imprisonment for 10 years, or both). Subclause (4) provides that an offence against subclause (3) must be prosecuted and dealt with as a summary offence (but if the court is of the view that a penalty exceeding 2 years imprisonment is warranted, then sentencing must be dealt with by the District Court). Subclause (5) sets out presumptions relating to intention or belief which will apply in proceedings for an offence against the provision where it is proved that the defendant had possession of a trafficable quantity of a controlled plant.

Subdivision 4—Sale of equipment for use in connection with consumption of controlled drugs

33D—Sale of equipment

This clause sets out an offence of selling or having possession of, intending to sell, a piece of equipment for use in connection with the smoking, consumption or administration of a controlled drug (punishable by a fine of $2 000 or imprisonment for 2 years or both).

Division 3—Offences involving children

33E—Application of Division

This clause provides that a child cannot be guilty of an offence against this Division but that an adult may be guilty of an offence against this Division involving a child whether or not the adult knew that person was a child (unless it is proved that the adult believed on reasonable grounds that the other person had attained 18 years of age).

33F—Sale, supply or administration of controlled drug to child

Under this provision it is an offence to sell, supply or administer a controlled drug to a child or to have possession of a controlled drug intending to sell, supply or administer it to a child (punishable by a fine of $500 000 or life imprisonment, or both).

33G—Procuring child to commit offence

This clause makes it an offence to procure a child to commit an offence against this Part (punishable by a fine of $500 000 or life imprisonment, or both).

Division 4—Other offences

33H—Supply or administration of controlled drug

This clause makes it an offence to supply or administer a controlled drug to another person or to have possession of a controlled drug intending to supply or administer the drug to another person (punishable by a fine of $50 000 or 10 years imprisonment or both or, in the case of cannabis, cannabis resin or cannabis oil, by a fine of $2 000 or imprisonment for 2 years, or both).

33I—Manufacture of controlled drugs

This provision makes it an offence to manufacture a controlled drug (punishable by a fine of $35 000 or imprisonment for 7 years, or both).

33J—Cultivation of controlled plants

This clause makes it an offence (punishable by a fine of $2 000 or imprisonment for 2 years, or both) to—

- cultivate a controlled plant (other than a cannabis plant);
- cultivate more than the prescribed number of cannabis plants; or
- cultivate a cannabis plant intending to supply or administer the plant or a product of the plant to another person.

Cultivation of not more than the prescribed number of cannabis plants is an offence punishable by a fine of $500.

33K—Possession or consumption of controlled drug etc

This clause makes it an offence to possess, smoke, consume or administer (or permit another to administer), a controlled drug or to have possession of equipment for use in connection with the smoking, consumption or administration of a controlled drug, or the preparation of such a drug for smoking, consumption or administration (punishable by a fine of $2 000 or 2 years imprisonment or both or, in the case of cannabis, cannabis resin or cannabis oil, by a fine of $500).

Division 5—General provisions relating to offences

33L—Interpretation

This clause defines ***controlled substance*** for the purposes of the Division.

33M—Aggregation of offences

This clause allows a person to be charged with a single offence against Part 5 in respect of different batches of controlled substances if the offences were committed by the person on the same occasion or within 7 days of each other or in the course of an organised commercial activity relating to controlled substances carried on by the person and provides that, subject to section 33N, the quantity of controlled substances concerned for the purposes of that offence is the total quantity of the controlled substances in the different batches. The provision also sets out various requirements and limitations that relate to charging a suspect if offences are to be aggregated under the provision.

33N—Offences involving more than one kind of substance

This clause sets out the manner in which the quantity of controlled substances is to be determined for the purpose of charging a person with a single offence that relates to more than one kind of controlled substance.

33O—Knowledge or recklessness with respect to identity or quantity

In proceedings for an offence against Part 5 relating to a controlled substance, the prosecution must establish knowledge or recklessness with respect to certain matters.

33P—Alternative conviction—mistake as to identity of controlled substance

This clause provides for an alternative conviction for an equivalent or lesser offence where the defendant establishes a mistaken belief as to the identity of a controlled substance.

33Q—Alternative verdicts

This clause provides a general alternative verdicts provision.

33R—No accessorial liability for certain offences

This provision excludes the application of section 267 of the *Criminal Law Consolidation Act 1935* in relation to offences against 32, 33 and 33B (which are framed sufficiently broadly to make accessorial liability unnecessary) or in circumstances prescribed by regulation (to allow regulations to be made covering, for example, needle exchange programs).

Division 6—Procedure in relation to simple possession offences

15—Repeal of sections 41 and 42

Section 41 currently provides an offence of aiding and abetting an offence against the *Controlled Substances Act 1984*. This section is to be deleted because it is unnecessary (see section 267 of the *Criminal Law Consolidation Act 1935*).

Section 42 is to be deleted consequentially to the new Part 5 Divisions 1 to 5.

16—Amendment of section 44—Matters to be considered when court fixes penalty

This clause makes consequential amendments to section 44 to refer to the new defined term of ***controlled drug*** and to alter cross references to refer to the relevant new provisions of Part 5.

17—Amendment of section 45A—Expiation of simple cannabis offences

This clause deletes the definition of ***child*** (which is an unnecessary duplication of the definition in section 4) and substitutes a new definition of ***simple cannabis offence*** consequentially to the new provisions of Part 5 Divisions 1 to 5.

18—Amendment of section 52—Power to search, seize etc

This provision includes amendments to—

- clarify the meaning of the term "documents";
- ensure that authorised officers have power to take films or make audio or audiovisual record as well as being able to take photographs;
- broaden the range of premises in relation to which powers may be exercised;
- ensure that an authorised officer with a warrant may be accompanied by assistants.

19—Amendment of section 52A—Seized property and forfeiture

This clause makes consequential amendments to some of the terminology used in section 52A and allows a court convicting a person of an offence in relation to property destroyed in accordance with section 52A(2), to order the convicted person to pay the reasonable costs of destruction to the Commissioner of Police.

20—Amendment of section 53—Analysis

This clause deletes a reference to ***prohibited substance*** (which is not a term that the Act will use anymore) and replaces it with a reference to the new term of ***controlled drug***.

21—Amendment of section 55—Licences, authorities and permits

This clause amends section 55 to allow suspension of a licence and to alter the appeal provision so that appeals will be heard by the District Court rather than the Supreme Court.

22—Amendment of section 56—Permits

This provision amends section 56 to make consequential amendments to the terminology used and to clearly allow the issue of a permit allowing cultivation of a controlled plant and administration of a substance and to clarify that "analysis" is a purpose for which a permit may be issued.

23—Amendment of section 57—Power of Minister to prohibit certain activities
This clause amends the appeal provisions in section 57 to provide an appeal to the District Court (instead of the current appeal to the Supreme Court).
24—Insertion of section 57A
This clause inserts a new section in the principal Act as follows:
57A—Warnings
This provision allows the Minister to take such action as the Minister thinks fit to warn the public against risks or potential risks if satisfied that a poison, therapeutic substance or therapeutic device (whether or not declared as such) might be dangerous or that an advertisement or other published material relating to a poison, therapeutic substance or therapeutic device (whether or not declared as such) contains instructions or other material that might be dangerous.
25—Amendment of section 58—Publication of information
Currently section 58 allows the Minister to publish information to certain specified classes of persons where the Minister believes on reasonable grounds that a person has obtained or attempted to obtain a prescription drug by false pretences or other unlawful means. The amendments proposed by this clause broaden the power of the Minister so that such information may be published (to the same classes of persons) where the Minister believes on reasonable grounds that a person has a history of consuming poisons or therapeutic substances in a quantity or manner that presents a risk to the person's health or has obtained or attempted to obtain a poison, therapeutic substance or therapeutic device by false pretences or other unlawful means or for an unlawful purpose.
The provision also provides that the Minister may publish the information to a professional association prescribed by regulation whose members belong to a class of persons specified in the provision (or may publish it in any other manner the Minister thinks fit).
26—Repeal of section 59
The repeal of section 59 is consequential to proposed section 60A (discussed below).
27—Amendment of section 60—Minister may require certain information to be given
This clause amends section 60 to allow the Minister to exercise the power to require information under that section in order to ascertain whether any requirements under this Act relating to a substance or device are appropriate and effective.
28—Insertion of sections 60A and 60B
This clause inserts new provisions as follows:
60A—Confidentiality
This provision imposes confidentiality requirements in relation to information relating to trade processes and medical records or details of medical treatment of a person.
60B—False or misleading information
This provision makes it an offence (punishable by a fine of $5 000) to make a statement that is false or misleading in a material particular (whether by reason of the inclusion or omission of any particular) in any information provided, or record kept, under this Act.
29—Amendment of section 61—Evidentiary provisions
This clause amends the evidentiary provisions to allow for recognition of a certificate of analysis where the analysis was carried out in accordance with a corresponding law of the Commonwealth, another State, or a Territory.
30—Amendment of section 63—Regulations
This clause makes consequential amendments to the terminology used in the regulation making power.
Schedule 1—Related amendments and transitional provisions
Part 1—Amendment of *Correctional Services Act 1982*
1—Amendment of section 4—Interpretation
This clause substitutes a new definition of ***drug*** in the *Correctional Services Act 1982* so that it refers to "a prescription drug or a controlled drug".
Part 2—Amendment of *Criminal Assets Confiscation Act 2005*
2—Amendment of section 3—Interpretation
This clause amends the definition of ***drug*** in the *Criminal Assets Confiscation Act 2005* so that it refers to a "controlled drug". The definition of ***serious offence*** is amended to remove paragraph (b) of the definition which refers to "serious drug offences" (because all the relevant offences in the *Controlled Substances Act 1984* will now be indictable offences and will therefore be picked up by paragraph (a) of the definition). The definition of ***serious drug offence*** is deleted consequentially to this change.
Part 3—Amendment of *Criminal Law (Sentencing) Act 1988*
3—Amendment of section 20A—Interpretation
This clause substitutes a new definition of ***serious drug offence*** in section 20A of the *Criminal Law (Sentencing) Act 1988* so that it refers to an offence under Part 5 Division 2 or 3 of the *Controlled Substances Act 1984*.
Part 4—Amendment of *Listening and Surveillance Devices Act 1972*
4—Amendment of section 3—Interpretation
This clause makes a consequential amendment to the definition of ***serious offence*** so that it refers to offences involving a drug or substance of a kind regulated under Part 5 of the *Controlled Substances Act 1984* punishable by imprisonment for 7 years or more (reduced from the current 10 years, in keeping with the penalties prescribed by the new Part 5 Divisions 1 to 5).
Part 5—Transitional provision
5—Transitional provision
The transitional provision provides that an amendment only applies in relation to an offence if the offence is committed on or after the commencement of the amendment.

The Hon. DEAN BROWN secured the adjournment of the debate.

SITTINGS AND BUSINESS

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

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

The SPEAKER: Is that seconded?

Honourable members: Yes, sir.

The DEPUTY SPEAKER: Those in favour say 'aye', against 'no'. I think the ayes have it.

The Hon. I.P. LEWIS: Divide!

While the division was being held:

The SPEAKER: There being only one member against the motion, the motion is agreed to.

Motion thus carried.

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

That Orders of the Day Nos 1 to 7 be postponed and taken into consideration after Orders of the Day No. 8.

Mr Speaker, I do apologise. I meant to move that—

The SPEAKER: I am told that there is some confusion about the motion.

The Hon. M.J. ATKINSON: Yes, sir.

The SPEAKER: I understand it is Nos 1 to 4 after No. 5.

The Hon. M.J. ATKINSON: Yes, that is correct.

The SPEAKER: Will the honourable member move that?

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

That Orders of the Day Nos 1 to 4 be taken into consideration after No. 5.

The SPEAKER: Is that seconded?

Honourable members: Yes, sir.

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

The Hon. I.P. LEWIS: Divide!

While the division was being held:

The SPEAKER: As there is only one member against the motion, the ayes have it.

Motion thus carried.

PUBLIC FINANCE AND AUDIT (AUDITOR-GENERAL'S POWERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 10 March. Page 2044.)

The Hon. K.O. FOLEY (Deputy Premier): I move:

That this Order of the Day be discharged.

The Hon. I.F. EVANS (Davenport): Is there able to be a debate on this motion?

The SPEAKER: There could be, yes, if the member for Davenport wishes to.

The Hon. I.F. EVANS: I want to make a few points as we have a motion before us to discharge the bill. My understanding is that the government wishes to discharge this bill. This is what we are discharging, as I understand it?

The Hon. K.O. Foley: Yes, Iain; you are absolutely correct.

The Hon. I.F. EVANS: Thank you. I want to comment, because it amazes me that the government has had this bill hanging around the lower house since early 2002 saying that the bill is critical for debate. It has been introduced to this house twice and not dealt with by the government. This house has been knocking off at 5.30 p.m. and 6 p.m. all this week. The upper house has been sitting until 10 p.m. and later, and the government is going to take this bill out of our house—

Mr Rau interjecting:

The Hon. I.F. EVANS: Well, I invite the member for Enfield to read this week's *Hansard*. The upper house has been sitting longer hours and it has more on its *Notice Paper* than we do. What the government is doing is taking this bill out of the house that has the time to debate it. After 3½ years, the government is taking it out of this house and putting it into a house that has more on its agenda than does this house. I ask: why should we discharge this bill after 3½ years? On what basis are we discharging the bill? The government has given no reason at all. What it is doing is duckshoving this bill to the upper house, for what purpose we do not know. The government has not given us a reason.

We were told that this is all part of the accountability and honesty regime that would be brought in by this government. More than 1 100 days later, the only members to speak to the bill have been government members. The government has introduced the bill twice. The expert whom the Treasurer quotes in his second reading explanation is himself; and then, as soon as there is a bit of criticism in the press (and the government has delayed this bill for 1 100 days), the government duckshoves it up to the upper house when we are closing down. We have extended tonight so that we can go home early. We may be out of here by 6.30 p.m. We could debate the bill tonight, but the government has chosen not to put it on the agenda. It had it on the *Notice Paper* last week and withdrew it. It did not put it on the *Notice Paper* this week, and now it comes in here without reason, excuse or explanation and duckshoves it up to the other place. I do not support that, and I do not think that the opposition should support it.

The Hon. I.P. LEWIS (Hammond): I support the same sentiments as have been expressed by the member for Davenport. I think that the government's behaviour during the course of this week has been reprehensible in the way in which it has handled the business of the house. The opposition has not been much better than that. It is a particularly galling aspect of this parliament that the reforms that were necessary for a good many things, but particularly in relation to this matter (the Auditor-General's powers), have hung around in the fashion in which the member for Davenport has already stated for over 3½ years. The government is now discharging it to introduce it in another place where it can see it defeated and blame the opposition and the minor parties (whoever they may be as individual members in the other place) for its demise, rather than accept the difficulties which it faces within its own ranks and between ministers and the bureaucracy. The executive and the administration are not at one on this. It has been neither well drafted nor well thought through. It goes in the wrong direction in a good many instances.

As the member for Davenport has pointed out, we could have debated it, and we could have contributed a great deal to the better understanding the public have of the role and function of the Auditor-General and our view of what that ought to be as part of the reform process. Whether the government wins or loses, that would have been a very valuable contribution to the public understanding of the issues, but the government has got an ego hang-up. It needs to be seen to be winning everything it introduces into the house here or in the other place; otherwise it will not introduce it. It does not want to be seen to be in any sense failing to get the numbers, because it is afraid what journalists will report and how that might affect the public's perception of the government. It is an abuse of parliament. Parliament is meant to be the forum in which debate of the pros and cons is taken openly and placed fairly on the record, so that all members participating in it can be judged by their constituents. But we mock that so much now. Most of the speeches we make are incorporated or they are set pieces that are read into the record. They are not the thoughts of the members who make them, and the opportunity for other members other than the appointed spokesperson for the parties to contribute to the debate is limited by the rules of the parties, particularly the Labor Party now in its caucus.

It would appear that none of them knows any damn thing about the legislation that the government brings in, because none of them ever makes a second reading contribution on it as it affects their constituency, as it is understood by them in their respective professional capacity, or understood by them as it relates to the matters about which they have expressed concern to their electorate in correspondence or at election time seeking to be elected here in the process. We mock parliament by behaving in this manner, but it suits the government, and it suits the government's spin doctors—everything is nice and tight; everything is orderly.

It is not proper for us to have dealt with this measure in this fashion. It is shabby, and it does the government no service and it does us, as members in this place, no service to go about the business that we have on the *Notice Paper* in this fashion. It distresses me to have to say it, because I remember the Treasurer, the Premier and three other senior ministers telling me that they were about open debate, transparency, accountability and participation of the general public in that open debate process within the parliament then, and outside it. And that is anything but what I have seen

happening here in the last few months, but more particularly in this last week. I will give further illustration of that as we pass on down the agenda through the other items that the government is now contemplating during the dinner time. In the process of doing what it is doing, it is of course giving absolutely no consideration whatever to either the catering staff or the people who look after us in this place such as Hansard by compelling them to work on through their meal break.

The Hon. K.O. Foley: So they can get home?

The Hon. I.P. LEWIS: You want to go home, may I say through you, Mr Speaker, to the Treasurer, for no other reason than it does not suit the public relations image of the government to be here participating in the open, accountable debate that the Treasurer told me he was committed to and keen to participate in on the occasion of 13 February 2002. Yes, I know what the Deputy Premier has as morals in that respect.

The Hon. K.O. FOLEY: That is a reflection on me, sir, and I ask the member to withdraw immediately.

The SPEAKER: I ask the member for Hammond to withdraw. That is a reflection on the Treasurer.

The Hon. I.P. LEWIS: I beg to differ, Mr Speaker, because for it to be a reflection is to presume that I meant that he has no morals. If the cap fits in that respect he can wear it, but I never said that.

The Hon. K.O. FOLEY: I ask the member to withdraw, sir. That is a clear reflection on me.

The SPEAKER: I believe it is a reflection to suggest that a member has no morals or is lacking in morals. I would have to check with *Hansard* for the exact wording, but that is the gist of what I heard. I ask the member for Hammond to withdraw that reference to the Treasurer.

The Hon. I.P. LEWIS: Yes, it will suit the Treasurer to cut my throat, and he would run it that way, so I will withdraw, and he will pay for it.

The Hon. K.O. FOLEY: Sir, I consider that last comment also to be a reflection on and a direct threat to me as a member of parliament, and I ask for both an apology and a withdrawal, unqualified.

The SPEAKER: The member should, without any comment, withdraw the remarks made about the Treasurer.

The Hon. I.P. LEWIS: I withdraw.

The Hon. K.O. FOLEY (Treasurer): The interesting thing about this is that, when the government has introduced this legislation before, we have had a large number of amendments put to this bill from many members of parliament. I do not have the full details in front of me, unfortunately, but I know that you, sir, certainly had some views on this bill, the opposition had a large number of views on this, the Auditor-General himself had views on this bill, and my office has been—

The Hon. Dean Brown: The Minister for the River Murray had some views.

The Hon. K.O. FOLEY: Yes, I am sure the Minister for the River Murray did as well. There has been a large amount of work undertaken by members of my staff, with a whole range of members of this house—including, I understand, the shadow treasurer, or certainly people from the opposition—to try to get an agreed position so that we could understand the impact and import of what was being proposed. That included working with the Auditor-General to get his views as to what these particular amendments would mean. That has been a long, drawn-out process, and for that I apologise.

Ms Chapman interjecting:

The Hon. K.O. FOLEY: The member for Bragg always has something to say. She is such an expert. I wish I could be as clever—

The Hon. I.P. LEWIS: Mr Speaker, that is a reflection on the member for Bragg and, on the same point of order, I ask the member to withdraw it because it is indeed questioning the capacity of the member for Bragg, or the morality of the member for Bragg, or her ethics, or all of them.

The Hon. K.O. FOLEY: I withdraw and humbly apologise for suggesting that the member for Bragg is clever. I apologise if my calling her clever was somehow a reflection.

We have been negotiating with a number of members of parliament, and it is not the easiest and quickest thing to be bouncing from member to member on a number of amendments to get an agreed position. But let us be very clear about this: the opposition has never wanted or supported many of the measures in this bill, in my opinion, because we know what the opposition is all about when it comes to the Auditor-General. Those of us who were here in the last parliament can well recall the conduct of the then Deputy Leader of the Opposition, the then member for Bragg (Mr Ingerson), the member for Morialta (Joan Hall), and others—I think even the member for Davenport, who has had issues with the Auditor-General (certainly not in that case, I think, but certainly in the case of the Hindmarsh Soccer Stadium). I full well remember the Auditor-General requesting of the parliament certain—

Ms CHAPMAN: I have a point of order, Mr Speaker. This is a motion for the discharge of this bill. It has nothing to do with the merits of the bill or the previous government.

The SPEAKER: Yes; this is more in the ambit of a procedural motion.

The Hon. K.O. FOLEY: That is a fair point. I will draw back to the discharge issue. When we finally had a settled set of amendments that the Labor Party caucus has accepted—which are amendments from you yourself, sir, and we are not sure yet what will come forward from the opposition—I took a decision to help the house and the parliament deal with this piece of legislation, as we are near the end of a session, when there is much debate and a *Notice Paper* with much on it. The member for Davenport can laugh, but I will come back to him in a moment, because I do not think it is fair for misrepresentations to be put to this parliament.

The Hon. I.F. Evans: Just correct the fact that our amendments were filed.

The Hon. K.O. FOLEY: I have not said they were not.

The Hon. I.F. Evans: Yes, you did. You said you do not know what our amendments are. They have been filed, for months and months.

The Hon. K.O. FOLEY: Okay, I correct that record. I went to the member for Davenport this time last week and said, 'We are not going to proceed with this bill in this house tonight' (that was last Wednesday, from memory), and I do not recall an objection from the member for Davenport to that. I might be wrong, but I do not recall the member for Davenport jumping from his chair saying, 'Deal with it tonight. We have to deal with it tonight.' Then he says that somehow we are hitting the parliament right now with this discharge motion. It was in *The Advertiser* this morning. It was on the streets at 6.30 this morning in *The Advertiser* that we intended to introduce this bill into the upper house to test it in the upper house. We did not hear the member for Davenport make an issue of that from 2 p.m. onwards today.

We did not hear the member for Davenport make an issue of that from 2 p.m. onwards today. We did not hear the member for Davenport take any issue with me privately or in this place publicly. And I actually had the good grace to discuss this with the Deputy Leader of the Opposition, who agreed as the leader of business for the opposition that this motion be discarded. I do not know what more I could do.

The Hon. Dean Brown: Put it on the record.

The Hon. K.O. FOLEY: Well, I told the deputy leader what the issue was. I told the deputy leader what the bill was—

The Hon. Dean Brown interjecting:

The Hon. K.O. FOLEY: I did not say that I had an agreement with the member for Davenport. I explained the process to the member, and he agreed. If the opposition felt so strongly about it, why did the deputy leader not say, 'No; shock, horror! I want to talk to the shadow finance minister. No; shock, horror! I don't agree'? Then we could have had a discussion. The deputy leader agreed to it. Now—

The Hon. Dean Brown interjecting:

The Hon. K.O. FOLEY: I'm sorry?

The Hon. Dean Brown: I put in a phone call to the leader of the upper house, and I am still waiting for a response from him.

The Hon. K.O. FOLEY: The deputy leader just said to me, by interjection, that he did not. The point is that it was in *The Advertiser* this morning.

Ms Chapman: Why should we be told by *The Advertiser*?

The Hon. K.O. FOLEY: Oh, the precious member for Bragg. The government did it with good intention. That is, this is a bill that will consume a large proportion of debating time in both houses of parliament. We have four sitting weeks left. I made a decision that the best way to expedite this piece of legislation was to introduce it into the upper house. That does not deny the lower house; it cannot become law unless it is in the lower house. Unless members opposite are suggesting that the government should never introduce bills into the upper house; is that what the members opposite are suggesting?

The Hon. I.F. Evans: No. No-one is suggesting that.

The Hon. K.O. FOLEY: Well, the opposition has been disingenuous on this; it knew all about it. If the opposition cannot get its act together—if the deputy leader wants to say one thing to me, and then be caught out by his shadow finance minister—have your little factional battles outside of this chamber, but do not say one thing to me, deputy leader, and then get rolled by the member for Davenport.

The Hon. DEAN BROWN (Deputy Leader of the Opposition): Mr Speaker, I wish to make a personal explanation.

The SPEAKER: The debate is closed. The deputy leader can only make a personal explanation if there has been a personal reflection on him.

The Hon. DEAN BROWN: Yes. That is exactly what I am doing. I have been misrepresented. That is exactly why I am raising it.

The SPEAKER: So, you are seeking leave to make a personal explanation?

Leave granted.

The Hon. DEAN BROWN: Let me make it quite clear: at five minutes to six, the government said it was going to move this motion tonight. I said, 'Well, if that's the case, you've got the right to do it, and I'll check with the leader of the upper house'. And in fact I picked up the phone and rang the Leader of the Opposition in the upper house. I got one of his staff members, and I asked him to ring me back. I understand that, in ringing back, he got the member for Davenport just a few moments ago. I specifically asked what were his views on the matter, because I wanted to check his reaction as the leader for the Liberal Party on this particular bill. I make it quite clear: they notified me. I did not say that we would support the motion. I said, 'If you are going ahead with the motion, put it up; I will check', and that is exactly what I have done. I want to make sure it is quite clear because, in fact, I put the phone call through immediately to the leader of the other house for the opposition, and I now have a response.

The house divided on the motion:

AYES (18)	
Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.	Caica, P.
Ciccarello, V.	Foley, K. O. (teller)
Geraghty, R. K.	Key, S. W.
Koutsantonis, T.	O'Brien, M. F.
Rankine, J. M.	Rann, M. D.
Rau, J. R.	Snelling, J. J.
Stevens, L.	Thompson, M. G.
White, P. L.	Wright, M. J.
NOES (16)	
Brown, D. C.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.
Gunn, G. M.	Hamilton-Smith, M. L. J.
Hanna, K.	Lewis, I. P. (teller)
Matthew, W. A. t.)	McFetridge, D.
Meier, E. J.	Penfold, E. M.
Redmond, I. M.	Scalzi, G.
Venning, I. H.	Williams, M. R.
PAIR(S)	
Conlon, P. F.	Brokenshire, R. L.
Hill, J. D.	Buckby, M. R.
Lomax-Smith, J. D.	Hall, J. L.
Maywald, K. A.	Kotz, D. C.
McEwen, R. J.	Brindal, M. K.
Weatherill, J. W.	Kerin, R. G.

Majority of 2 for the ayes.

Order of the Day thus discharged.

SITTINGS AND BUSINESS

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

That Orders of the Day Nos 1 and 2 be postponed and taken into consideration after Order of the Day No. 3.

The SPEAKER: Is that seconded?

Honourable members: Yes, sir.

The SPEAKER: I put the question. Those in favour, say 'aye', against 'no'. I believe the ayes have it.

The Hon. I.P. LEWIS: Divide!

The bells having been rung:

The Hon. I.P. LEWIS: On a point of order, the bells have been ringing now for one minute and 27 seconds. The timer was not turned over on the table, and you, sir, failed to draw attention to it. The bells are supposed to ring for three minutes, according to the standing orders.

The SPEAKER: Order! I am told that the sand was running. To be honest, I did not see the time.

The Hon. I.P. LEWIS: To be honest, I did.

The SPEAKER: We will run it for another minute and a half, but it could well be that the Clerk is missing out on his meal break! We will run it for a minute and a half.

The bells having been rung:

The SPEAKER: There being only one member on the negative side, the ayes have it.

Motion thus carried.

GUARDIANSHIP AND ADMINISTRATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 September. Page 3438.)

The Hon. K.O. FOLEY (Deputy Premier): I move:

That the sitting of the house be suspended until 7.30 p.m.

The SPEAKER: Is that seconded?

Honourable members: Yes, sir.

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

The Hon. I.P. LEWIS (Hammond): No. If we are going to do it, we had better do it.

Members interjecting:

The SPEAKER: Order! The member for Hammond has said no. There is no division; no debate.

The Hon. I.P. LEWIS: I think this is just outrageous. You have proposed to debate a matter where the second reading speech is not even in *Hansard*. The matter has been in the house for two days. I do not care what the arrangements are between the government and the opposition: I am as much a member of this place as any other member.

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

The Hon. I.P. LEWIS: I know I am, and so are you.

The SPEAKER: The member for Hammond should withdraw that comment that the chair is out of order. The member is out of order.

The Hon. I.P. LEWIS: I withdraw, Mr Speaker, and I hope other people do.

The SPEAKER: Members should just calm down.

Motion carried.

[Sitting suspended from 6.40 to 7.30 p.m.]

The Hon. I.P. LEWIS: I am annoyed by what the government is proposing with this legislation, but more especially because of the manner in which it has undertaken to do it. I place on record my outrage at this sort of precocious behaviour. The Guardianship and Administration (Miscellaneous) Amendment Bill (No. 138) was introduced into this place barely 48 hours ago. The minister introducing the bill was given permission to incorporate the speech explaining the bill at the second reading without reading it, but it is not incorporated. There is no record in the *Hansard* of 19 September, because the ink is not even dry; it is still in the confidential, subject to revision form.

Mrs Geraghty interjecting:

The Hon. I.P. LEWIS: The honourable member for Torrens does herself no service whatever by remonstrating with me over what I am saying about this procedure. It is all very well for her and any other honourable member on the government benches who have had the benefit of having what this measure will do explained to them in their faction meeting or at least in their caucus, and I am sure that is what has happened in the Liberal Party. However, that is not what I have—I have nothing, apart from what is on the *Notice Paper*. It has been a practice and a convention in this place up until about 15 years ago that the second reading, after being taken—

Mrs Geraghty interjecting:

The SPEAKER: Order, the member for Torrens!

The Hon. I.P. LEWIS: —is left until the following week for the debate to be resumed. That has not happened in this instance. As I said, it has been barely 48 hours. The second matter that concerns me is that, in general, the bill provides the opportunity for honourable members to contribute through debate to the understanding of the competence of the Guardianship Board and the manner in which it discharges its duties. Frankly, it has worsened by the week for the past 20 years to the point now where those people who work for it and call themselves social workers take money from the estates of those whom they are supposed to represent and care for to arrange parties and to invite their personal friends along to make sure that enough are there to have a party.

The poor person in whose name the money is being expended, and from whose account the money is being taken, all according to due process I point out to the house, is nonetheless sat up for two or three hours so that the friends of the person who is providing the party can have a good time at the expense of the trust money, and it is said to be a good social experience for the person who is in the care and control of the Guardianship Board. We all know that the Guardianship Board's responsibilities are, in the main, for folk who do not have the ability to understand what life is all about and what is happening to them and how to make decisions in their own best interests. The manner in which the legislation is presently framed, and the regulations that permit this kind of conduct to occur, has steadily deteriorated over the time that I have been in here to the point where it now warrants a thorough examination by a parliamentary committee—if not, a royal commission.

A parliamentary committee such as the Social Development Committee ought to be spending its time on a routine basis (at least once every five years) looking at the kinds of functions which are undertaken by the state, where the state presumes a duty of care but in law refuses to accept it. There is nothing you can do to compel the state to perform in a way in which all citizens or other private entities have to perform: according to law. That is why I wanted to participate in this debate and why I wanted to have something to say in response to the minister's second reading explanation. However, I cannot do that, because it is not on the record. So, my rights as a member—

The Hon. M.J. Atkinson: It was distributed in the chamber.

The Hon. I.P. LEWIS: Well then, where is it? Why didn't I get it? Because it was done late on Monday? By the time I got here—

The Hon. M.J. Atkinson: It was on your desk.

The Hon. I.P. LEWIS: Yes, and that is all you care. The honourable member—the minister—sees it as no more or less than his duty. He thinks his duty to all members in this place has been discharged, enabling him to go about his business in whatever form it suits the government without any regard for the effect on or the opinion of any other honourable member. Why treat someone who does not belong to a political party that is the same as his or the opposition's differently.

The Hon. M.J. Atkinson: You belong to CLIC.

The Hon. I.P. LEWIS: Yes, I do; but why treat me differently from the Liberal Party or—

The SPEAKER: Order! I think the member for Hammond makes a legitimate point about the omission of the second reading explanation. I do not know how that happened; it is one of those errors. I do not believe there was any deliberate intent; however, the member can be provided with a copy of the second reading explanation. He should have got a copy on Monday night. I think the member should focus on the bill now rather than—

The Hon. I.P. LEWIS: I am; if only I understood it.

The Hon. M.J. Atkinson: It's a rats and mice bill.

The Hon. I.P. LEWIS: That's what you say to me, but it further strengthens the ability of the people who work on the Guardianship Board to do as they please. There is insufficient accountability, notwithstanding the construction of the board, in the way the bill addresses the matter. There is insufficient accountability for that board, because parliamentary committees are sinecures and, too often, members of them do too little, other than when it is convenient for their party to have discussions.

The Hon. M.J. Atkinson: Was it a sinecure when you were on Public Works?

The Hon. I.P. LEWIS: I made sure it did the job it was appointed to do in legislation, and no-one in this place can say that I ever shirked my responsibility in that regard (whether I was an ordinary member of that committee or its chair) during the time I was a member of it.

The act addresses the composition of the board, but, frankly, I do not think it would matter what the board was comprised of; the folk who are on it would see themselves as deserving of a pat on the back for all they do. The pity of it is that they have never been compelled to take a closer look at what goes on down through the ranks, below senior management. I wonder whether senior management knows what is going on. Sure, the process is defined by the regulations and the law, and the people who are doing the things to which I have referred are able to continue to do them and get away with them because the Auditor-General only examines the process, not the morality of it or its consequences for the people who are appointed to professional positions, or those who are their unfortunate minions, whom they are supposed to be there to protect and look after.

I believe that, had I been given due notice of the government's intention to bring it on after two days, I would have given notice myself yesterday, but the minister did not tell me that. He probably told members of the government, or the whip or the leader of the house did, that they were going to do it, but they did not tell me. I would have moved a notice of motion yesterday to refer this bill and the principal act to the Social Development Committee where the matters of which I complain could have been thoroughly and properly examined. That cannot happen now because I have not given notice, and I will not take up the time of the house further by trying to suspend standing orders as I know that the government will crunch its numbers because it believes that it is a rats and mice bill. That says to me that the minister does not know what is going on down in the ranks where the rubber hits the road and where those who are supposed to be protected are being abused.

The Hon. M.J. Atkinson: Not by this bill!

The Hon. I.P. LEWIS: They are being abused because of the way in which the board dysfunctions—not malfunctions but dysfunctions. The staff of the board dysfunction. The same happens in other government departments where other so-called professionals fail in their duty of care. They do not have in law the duty of care and they refuse to accept it in law. The government prates about how good it is doing whilst it does nothing for their benefit.

The Hon. G.M. Gunn interjecting:

The Hon. I.P. LEWIS: I have a good thick file provided to me by the relatives of those poor unfortunate people who are subject to it. Those relatives, in the main, are deeply religious people and pillars of the community in which they live; they are not in the least bit outspoken or prominent. They have no high profile or any other such thing; they just care for the members of their family. They go along to check up on a regular basis and they are made anything but welcome. All too often their inquiries are treated with disdain and contempt. There are a number of cases in my files which I would have taken to the Social Development Committee if the house had had the wisdom to adopt the proposition of which I would have given notice had I known this bill was coming on. The committee would have been shocked in the same way as Ted Mullighan has been shocked by the evidence that is coming before him (from the family and elsewhere) about the abuse of wards of the state by those people where those children were in state care, often in state institutions.

The same thing is happening with adults. It is an outrage that any one of those people in the care and control of the Guardianship Board has been abused in any way, leave alone materially. Worse than that, they are also abused sexually. Their families know of it but they get no recourse. They are not given the time of day—

The Hon. G.M. Gunn interjecting:

The Hon. I.P. LEWIS: Yes, but the regulations prevent any further pursuit of the matter by those members of the family who take an interest in the affairs of the person who is under the care and control of the Guardianship Board. I am distressed. I will not take up the full 20 minutes, as I had originally planned. The government has stuffed up my arrangements for the evening anyway by extending beyond 6 p.m. Then, having decided to extend beyond 6 p.m., when I texted the people I was to see to let them know that this would go on—I expected the debate to take 40 minutes or more—the government decided, after 30 minutes, to reverse what it said it would do and it stuffed up my arrangements again. I thank the government for that. I thank the government for continuing to hide behind the regulations and the practices.

Members interjecting:

The Hon. I.P. LEWIS: Government members do not want to know about it. Well, I tell you, Mr Speaker, that the government members will hear about it during the next election campaign. I tell the minister that he will regret very much contemplating doing what he has allowed the Deputy Premier and the Minister for Transport to do: that is, to run his affairs in this chamber and call him to say, 'You will do this tonight.'

The Hon. M.J. Atkinson: I'm happy for them to run my affairs.

The Hon. I.P. LEWIS: I'm sure you are; and I wonder what the word 'affairs' means in that context.

Ms CHAPMAN (Bragg): I indicate that I will be speaking to this bill on behalf of the opposition. For reasons that will become clear, this bill (which was recently introduced into the house by the government) is not only listed on the *Notice Paper* and being addressed and debated tonight (in

far less time than the seven day rule) but, because of the hasty attention that has been given to it, the Liberal Party has not been able to consult on it within the party room. Accordingly, there also has been no opportunity to consult with the relevant parties in relation to this bill—and stakeholders, in particular—and no opportunity to consider or introduce amendments. In fact, it has only been in the last couple of minutes that this bill has even reached the bill folder. That is how quickly the government is asking the house to deal with this matter.

The member for Hammond, quite rightly, raised the question of a loss of opportunity arising out of the government's haste in asking that this matter be dealt with. His concern is shared by the opposition. The member for Hammond has raised questions in relation to that matter which suggest that he has been denied the opportunity even to present an argument to refer this matter for a committee inquiry. That may be a matter that would be meritorious in considering the current operation, powers and accountability of the Guardianship Board. The member raised questions in relation to the dysfunction of the board. He may, indeed, have evidence that suggests that there is a high level of dysfunction.

Reference having been made to that matter, I think it is important that I indicate that, in the limited experience I have had with the Guardianship Board, the members of the board and the supporting staff have been helpful in their assistance. Information has been provided, when appropriate, and the operation of the applications before it to which I have been privy have proceeded in an efficient manner. I do not have any personal criticism of the Guardianship Board, and I am not familiar with the claims of a failure of a duty of care of either the government or the board or any level of dysfunction that generally has been referred to by the member for Hammond. In fact, I recently appeared before the Guardianship Board to seek a joint appointment for a family member and that process was, I think, very professionally handled. The family member and other members of my family were present for that matter to be facilitated. My personal experience is one where there has been a high level of professionalism.

I have briefly canvassed this matter with other members of the opposition, and it seems that there are cases that require some serious consideration. If this bill had been introduced in a manner and in a time frame, in particular, which facilitated the serious consideration of other amendments to this bill, it may well be that questions of accountability and a process whereby the Guardianship Board is brought to account would have been meritorious. However, the government's action in its introduction has thwarted any opportunity for that to occur.

I think it is also important to note that, although the member for Hammond had not been provided with the second reading explanation, the opposition made it its business to ensure that it received a copy of the Attorney-General's speech. We were not relying on the—

Mrs Redmond: You can't call it a speech.

Ms CHAPMAN: Yes. So, we were not relying on the apparently abridged version that was recorded in *Hansard*. It is concerning to hear that the member for Hammond has not had an opportunity to view that. However, I indicate that, in the last 24 hours, we have had a chance to obtain it and view it. In a brief consultation with members of the opposition, I indicate that the obvious question was asked about what was the basis for the urgent consideration of this matter.

Nothing has been presented by the government in the Attorney-General's second reading explanation, in any correspondence or memorandum or during any phone call to the shadow attorney-general which in any way would enlighten the opposition as to why this matter has to be dealt with in a hurry. The first paragraph of the Attorney-General's second reading explanation states:

> The President of the Guardianship Board has requested minor amendments to the Guardianship and Administration Act 1993 (the act) to enable the board to operate more effectively. These amendments are not controversial and should improve the efficiency of the board. The amendments are supported by the recent review into the interaction between mental health and the justice systems conducted by Ian Bidmeade.

That is the only part of the second reading speech that even hints as to the purpose of the bill or its claim that it is really what is colloquially known as a 'rats and mice' bill. There is some quite detailed explanation in the second reading explanation as to what each of the amendments propose and the purpose for them, but nothing here is in relation to why the matter has to be heard so quickly, so I ask a number of questions.

First, if the President of the Guardianship Board had requested minor amendments, what were the requests? Does this bill cover all of those proposed amendments? On what date did the government receive the request from the Guardianship Board for these minor amendments to be attended to? Perhaps it is a situation where the government faced the embarrassment of having failed to act on what are on the face of it minor amendments and a reasonable request by the Guardianship Board to be attended to, and it has failed to do so for months perhaps and is now hurriedly trying to rush through the matter in the last period of the parliamentary sitting. Even so, that is no reason to ignore the seven days rule in which to have it dealt with. Even though it is a brief period of sitting between now and the end of the year, we still have the next couple of months when this could be dealt with without breach of that precedence or rule.

What is the real reason for having to introduce this matter and debate it in less than the seven day rule? Surely it cannot be that time is running out.

The Hon. M.J. Atkinson: Why did you agree to it?

Ms CHAPMAN: If a certain circumstance was presented before the board which necessitated action on one or other of these amendments urgently, then surely it would have been quite open for the government to say, 'These are the pressing circumstances that have arisen that justify this matter being dealt with urgently; the President of the Guardianship Board has sought our assistance in this regard; XYZ will occur and will be detrimental to members of the public unless we act post haste and, accordingly, we ask the indulgence of the parliament to deal with it urgently.' That would be quite a legitimate basis upon which to have something heard urgently. But there is absolute silence in relation to why it is necessary to deal with this in a hurry.

The Attorney-General interjects to ask why we agreed to it. I place on the record that the opposition has not agreed to this being dealt with today. We say that clear notice had been given to the Attorney-General that this matter had not been dealt with by the opposition party room and that therefore we would not agree to this matter being dealt with, even though the government sets the agenda and the legislative program for the week. I make very clear that it is completely inaccurate for the government to contend that we are dealing with

this urgently with the blessing of the opposition, because that is simply not the case.

I am not certain whether the member for Hammond raised it as a direct allegation or whether he raised it as a question, but in his second reading contribution he certainly addressed the haste with which this matter has been introduced and whether it is a deliberate attempt to avoid serious scrutiny of the guardianship board. We simply do not know the answer to that. However, if that is the reason and there is something to hide, then we should know about it. I wish to refer to one other matter concerning the paragraph to which I referred. The government claims that the amendments are not controversial and should improve the efficiency of the board. Of course, because we have never seen the minor amendments sought or any of the recommendations put by the president to the government at his or her request, we do know whether or not that is accurate.

We have no idea whether or not they are controversial or whether they will improve efficiency. First, we would hope that, at the very least, the government would ensure that the opposition has a copy of the requests in relation to the amendments prior to further consideration of this bill in the other place. Secondly, and very importantly, that the apparent recent review undertaken by Ian Bidmeade is made available to the opposition promptly. In relation to the claim to validate and/or consider any other amendment that may be necessary arising out of this document, we have no idea what this document is. I am not familiar with it. We have no idea what its title is. I do not know whether it has been tabled in the parliament—I am not aware of it if it has been. We would have expected the government to identify what this document is and enable us to at least view it.

Assuming that the government has accurately reported this—and we have no reason to suggest that it has not—and the amendments are supported by the recent review, we would ask the government to provide us with a copy of that document, letter, or whatever it is that has apparently been prepared by Mr Ian Bidmeade, so that we can consider it. We would then also have the opportunity to consider whether any other recommendations were made in this report which have not been addressed and which perhaps ought to be addressed. I make those comments to indicate that there has been no indication by the government as to why this matter has to be dealt with so promptly.

To simply say in an opening paragraph of a second reading explanation that these amendments are not controversial, that they will improve the efficiency of the board, that they are at the request of the president of the board and that they are supported by some review that we have never heard of is simply—

The Hon. M.J. Atkinson: You have never heard of the Bidmeade report?

Ms CHAPMAN: We have never heard of that report. We have never seen it and we would like to see it. What is important is that, if the government introduces a bill and asks the parliament to deal with it promptly, at the very least the primary material ought to be made available so that we can do whatever we can to accommodate any reason for urgency, if there is one. So far no reason has been given. In the past 24 hours, some members of the opposition have endeavoured to identify what is before us. This matter is not necessarily about what is wrong with what we are being asked to deal with, but why is the government concealing this other information at this point? Is it to stop us from moving other amendments?

The matters being put before us—the provisions for single member boards to be able to be expanded; the provision for the seven-day time requirement for interim orders being extended to 21 days for the adjournment of proceedings; the correction of the appointee provision to appointer in the enduring guardian's section in the current bill; the special provision to enable proper dental treatment to be undertaken by patients; and the provision for allowing for a panel to operate as assessors, namely, the administrative and disciplinary division of the District Court—on the face of it, are unremarkable and uncontroversial.

At this point on the information provided and in viewing the amendments to the act, the opposition do not take issue with them, and only for those reasons do we not oppose the government's bill to proceed with the amendments, and we take very seriously the claim by the government that these amendments are non-controversial and should improve the efficiency of the board. On the face of it they seem to do so. There may be very good reasons. An obvious one, for example, is to ensure that we do make provision for dental treatment. Another one is to obviously remedy the section which prevents hospital and medical staff being appointed as enduring guardians, and the section simply incorrectly refers to 'appointee' rather than 'appointor'. Obviously these are matters which are unremarkable and uncontroversial. It is concerning that we are left with no opportunity to provide for other amendment to the principal act if it is necessary for that to be dealt with at this time.

Of course, it is always open for the government to say, 'Well, of course, any member of the parliament can introduce their own bill in relation to these matters,' but it is not as simple as that and the government well knows that, and the opportunity for private members' bills to actually receive any reasonable consideration and to advance in an orderly manner on the agenda papers is something that I soon learned in this place as being not only remote in its opportunity but unrealistic in my expectation as a member of the parliament for the advancement and progress of a private member's bill. So I can completely remove without any shadow of doubt the prospect of that ever happening.

With those words I repeat and affirm the concern that the opposition has. I would hope that at the very least the Attorney-General, in closing this debate in due course, will give some little scintilla of explanation as to why this matter has to be dealt with so urgently, and we would ask that the review, document report, whatever it is, be made available promptly and that we do have a copy of the President's request, which I assume to be in writing, to ensure that these amendments are both consistent with and wholly cover the requests made by the President.

Mrs REDMOND (Heysen): The more the Attorney has interjected, the longer my contribution has become. I was originally only going to get up for a very brief minute to support the initial comments of the member for Hammond, because I think, quite frankly, it is an abuse of processes of this place to expect any member, be they a member of a political party or grouping or simply an individual member, to come in here and be involved in the legislative processes of this house without the opportunity not only to read the bill in question but to have the second reading contribution and have a chance to read that. Like the member for Hammond, I had not obtained a copy of the second reading contribution. It certainly was not dealt with in our party room and I, like him, resent the fact that we are being pressed to place this

through this house with no apparent reason for the urgency other than probably to save the government some embarrassment because it has not acted as efficiently as it should have and has not dealt with this matter earlier.

Nevertheless, since seeing it on the *Notice Paper* I actually got a copy of the bill and had a quick look at it, and thought that it looked as though it was a 'rats and mice' bill, to quote the member for Bragg in her use of that terminology. However, I looked at a couple of other bills, including the Retirement Villages (Miscellaneous) Amendment Bill, which was also put on the *Notice Paper* and then taken off, but which came into the house last week. In going through the provisions of that particular bill it was obvious to me that, in fact, some of the most substantive changes are hidden—not deliberately, but just by the nature of the change being brought about. So, in reading a particular provision it would not look as though it were anything substantial, yet when you actually compare what is happening under the current legislation with what will be the case under the bill it does make a substantial change.

So I have a couple of questions that I would like the Attorney to address when he closes the debate on this bill, having now had the opportunity at least to compare the bill with the existing legislation, and having made the point that I think it is improper for any member to be put in a position where they are asked to debate legislation without a reasonable opportunity to read the bill or the second reading contribution or report or, preferably, to have a briefing. I think that is especially necessary in these cases because, if the government does have some legitimate reason for wanting to push this through so urgently, they should be explaining themselves and the bill in some detail.

I want to look at two provisions. The first is clause 6, which has the effect of deleting subsection (4) of section 8. It does not appear to be of great import inasmuch as subsection 8(4) at the moment basically provides that you are limited to two terms as a member of the panel, but you can have a third term if it is necessary to complete the hearing of a part-heard matter. That makes sense, but it is being deleted so, on my reading of it, that means that there is now to be no limit on the number of terms for which a person is to be appointed—and I would like to know why that change is coming about. I presume, having had the opportunity to read only the first paragraph of the second reading report—

The Hon. M.J. Atkinson: Read the speech; the answer is there.

Mrs REDMOND: The Attorney invites me to read the speech, but the point of the speech is to give members notice of what we are to debate before we have to get up and debate it. However, because it is being debated now and because I have been rather busy—

The Hon. M.J. Atkinson: Well, why did Dean Brown agree to bring this bill on?

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

Mrs REDMOND: Because I have been rather busy this week, I have not had the opportunity to read that second reading explanation, so I ask the Attorney to address that in his comments.

The Hon. M.J. Atkinson: I will read them for you if you like; will that make you happy?

Mrs REDMOND: I do not care how the Attorney approaches the issue, but the more he interjects the longer this speech will go on.

The Hon. M.J. Atkinson: It can only go for 20 minutes and you are going to take it, anyway.

Mrs REDMOND: No, I would not except—

The Hon. M.J. Atkinson: You were going to take it from the very first minute; you were going to take 20. We know that.

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

Mrs REDMOND: Well, I will now, Attorney.

Ms Rankine: Give us a break.

Mrs REDMOND: Blame the Attorney! I would have been finished in about two minutes' time.

The SPEAKER: Order! The house is degenerating into pretty childish behaviour—the sort of thing you might hear in a primary school or a kindergarten—and we do not want to hear that here. We are past that stage, I trust. Members on both sides should stop this silly, 'You do this; I do that' behaviour. It is childish and pathetic.

Mrs REDMOND: Mr Speaker, I resent that you are accusing me of being childish when all I am doing is trying to address this house on the bill before it, and you are allowing the Attorney to interrupt me incessantly—

The SPEAKER: I am not allowing the Attorney; I said 'on both sides'. One member made a comment and someone else said, 'Well I will take my 20 minutes or I will speak longer.' Let us move beyond that; let us have some debate without this tit for tat carry on.

Mrs REDMOND: Is the Speaker ready for me to resume my comments?

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: I will just take a moment to read another section.

The SPEAKER: The Attorney is out of order, and he is not helping the debate by provoking the member opposite.

Mrs REDMOND: He has just delayed the close of the evening. The amendment of section 12 (which I did not intend to traverse but which I now will) provides that, in proceedings before the board, where the board is constituted of two or more members, the president or deputy president will preside, and any question of law or procedure will be determined by the president or deputy president. Any other question is simply by the unanimous motion or a majority of the decision makers.

I go back now to the appointments and definitions at the beginning, concerning the establishment of the board. Under section 7, the deputy president and the president are appointed for a term of five years. They are eligible for reappointment. Basically, they must have a legal qualification, and that explains for me why they would be the people making the decision on the point of law and why, if you are now going to allow a board to be constituted by any two members sitting together (and therefore not necessarily with one of the people with legal qualifications) there is to be a provision that the board, where it is constituted of two people without the legal qualifications, refer off any question of law to the president or deputy president for decision. Assuming that there is a reason for changing the way in which the board or the panels can be constituted, it makes sense that, if you are then going to enable a board to be constituted of two people, neither of whom have a legal qualification, we will then have to refer off any question of law to the president or deputy president who, of course, are the people who are appointed with the legal qualification. How is my time going?

With respect to clause 8, 'Powers and procedures of board', the bill deletes the current provisions of sections 14(7) and (8). At the moment, subsection (7) provides that, notwithstanding the requirement to give notice of the hearings to give people an opportunity to be heard, the board can, if

it is satisfied that something is urgent, make an order on an interim basis without complying with those particular requirements about giving notice. The order made by the board in those circumstances has effect for such period not exceeding seven days as the board may direct.

What happens under the proposal is that, again, despite the provisions earlier appearing that require the giving of notice to people who may be reasonably interested in the proceedings, the board can, if it is satisfied that urgent action is required in proceedings before the board, make an order as a matter of urgency without complying with those subsections. In effect, what it does is to replace the current provision for a period of their order not exceeding seven days. They replaced that with two periods: first, a period not exceeding 14 days under section 32(1); and, secondly, in any other case for a period not exceeding 21 days. Section 32(1) provides:

The Board, on application made by the guardian of a protected person—

(a) may, by order, direct that the protected person reside—

(i) with a specified person. . . ; or

(ii) with such person or in such place as the guardian from time to time thinks fit.

The Hon. M.J. Atkinson: Just read out the whole bill.

Mrs REDMOND: I will make a third reading contribution if the Attorney is not careful.

Members interjecting:

The SPEAKER: The Attorney and the member for West Torrens will listen.

Mrs REDMOND: I am trying to get to the bottom of this bill because I have been denied, as was the member for Hammond, a proper opportunity to come to terms with what it does before being brought on for consideration by this house. It is therefore appropriate for me, in the course of this contribution, to seek to determine just what this bill does and how it affects the current legislation, so that I understand the legislation which this house is trying to put through in such a short time.

At the moment we have the situation where, if the guardian of a protected person makes an application, the board can order that the protected person has to reside in a specified place, or it can give authority to the guardian to determine where the person should reside and it can order the detention of the protected person in that place. The board can authorise persons from time to time involved in the care of the protected person to use such force as may be reasonably necessary for the purpose of ensuring proper medical treatment, day-to-day care and wellbeing of the person. That is what currently is provided in section 32(1).

The bill states that, if it is going to make an order under that section, the period cannot be longer than 14 days, and it does not change the board's powers to make its orders under section 32(1) in any other aspect. However, it deletes subsection (8) which refers to the seven days and provides that in any other order—that is, any order that is not made under section 32(1) of the Guardianship and Administration Act—the order cannot be for a longer period than 21 days.

I do not understand why the time limit for the board exercising its special powers in relation to the place and the powers of detention under section 32(1) should be increased from the seven days that currently exists or should not be extended to 21 days as it is for every other order. I would appreciate an explanation about that from the minister, or else we could go into committee to consider it, if the minister chooses not to address that issue in his response. Section 14 is then further amended by inserting subsection (12a) which simply provides for the capacity to adjourn proceedings. I would have thought that was a given in the setting up of any board. I would not have thought it needed a special power.

I have not even had time to turn up section 25 as yet, but I will do so now, and see what changes have been made there. Essentially, section 25(4) provides that a person is not eligible to be appointed an enduring guardian if he or she is in a professional or administrative capacity directly or indirectly responsible for or involved in the medical care or treatment of the appointee, and, if a person who is validly appointed as an enduring guardian becomes so responsible, the appointment lapses.

Mr Speaker, I beg your indulgence for a moment because I cannot see the words in section 25(4) that clause 9 amends by deleting 'appointee' and substituting 'appointor'. Yes; I see the word 'appointee'.

The Hon. K.O. Foley: Are you talking to yourself?

Mrs REDMOND: I will keep talking to myself right through a third reading contribution if necessary.

The Hon. K.O. Foley: You are answering your own question, that's all.

Mrs REDMOND: That is because I was not given the time to read the bill before it was brought in here for debate.

The SPEAKER: Order, the Treasurer! The member for Heysen has the call.

Mrs REDMOND: I take it that the reason is that simply the wrong word has been in the legislation all along. Finally, I come to what I call, in essence, the only substantive provision of the bill, that is, the amendment to section 32(1)(c), which allows medical treatment, to insert the words 'or dental' so that medical or dental treatment is included. It surprises me that, in fact, dental treatment and dentists are already referred to in the definitions clause at the beginning of the existing legislation. It seems to me a little odd that, until now, no provision has made it obvious that medical treatment includes include dental treatment. If the board has the power to detain people and organise their medical treatment, I can see no objection to including dental treatment.

Finally, the amendment to section 66 relates to the deletion of subsection (5), which parallels the earlier provision, namely that a person cannot hold office as a member of a panel for more than two terms if those terms are consecutive. That is, you could hold office for two terms, have a break and come back for a further two terms, except if you were appointed for a third term consecutively because you had a part-heard hearing. Again, I wonder why that was the rule before and why it is not to be the rule any longer. With those few comments, I look forward to making a third reading contribution in due course.

The SPEAKER: Before calling the minister, I believe that the members for Heysen, Hammond and Bragg have a legitimate grievance in relation to the fact that the second reading explanation was not incorporated in *Hansard*. I have asked, but I am still not sure why that did not occur. I do not believe there was any conspiracy or ill intent by anyone; however, for some reason the second reading explanation did not appear.

The Hon. M.J. ATKINSON (Attorney-General): I thank the opposition for its cooperation in voting time and again this evening to allow this bill to pass all its stages tonight. I am most grateful. The member for Bragg asks: does the bill fulfil the request of the board President, Robert Park? Yes; it does, and I will be happy to provide the letter. My

understanding of the timing is that Robert Park asked for these changes some time in the second half of last year. I took a submission to cabinet in February and got permission to draft—

Mrs Redmond: That's right—blame parliamentary counsel.

The Hon. M.J. ATKINSON: I am not blaming parliamentary counsel at all. The members for Heysen and Bragg asked a series of questions, and I am now attempting to answer them, but the member for Heysen is talking over the top of me to try to prevent my doing so. The deliberation on the bill in government was then delayed pending the handing down of the Bidmeade report to ensure that the legislation was compatible with Bidmeade's recommendations. The Bidmeade report was released in April this year. It has been on the Department of Health web site since April under the title 'Paving the Way', so the member for Bragg could have read it at any time, as this is within her portfolio, as I understand it.

Members interjecting:

The Hon. M.J. ATKINSON: Well, the member for Bragg is handling this bill. I would have thought she would take an interest in matters pertaining to it. I am happy to provide Robert Park's written request to the opposition. On the question of panels, it was also at Mr Park's request that we retain valuable and experienced members so they can serve more than two terms. It is a self-evident proposition. You can be for it or against it. There is no conspiracy. On the question of—

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Well, in a month. If the member for Heysen can find any evidence of a conspiracy or mala fides by the government in regard to this bill, she can come back on that very day and tell the house what it is. I challenge the member for Heysen to put that date in her diary. On the question of interim orders, again, we acted at the request of the president of the Guardianship Board. There was criticism of a proposal for extending the interim orders to 21 days by the Public Advocate, John Harley, so we compromised on 14 days. That is the story. It is as simple as that.

I think the debate tonight owes everything to the inexperience of the members for Bragg and Heysen. Had they been in parliament when their party was in government, they would realise that the opposition, in the attorney-general's portfolio, bent over backwards to cooperate with the government agenda. I cannot recall a single instance, when Trevor Griffin was attorney-general, of me, as the opposition spokesman, asking for an extension of time. There are bills that have been on the *Notice Paper* for weeks and months, and the opposition says it is not ready to go ahead with them.

I am the one minister who, from the election of this parliament, came into parliament with my bills and gave a summary of the second reading and then sought leave to incorporate the remainder of my speech. I did so earlier in the week, and I am sorry that the opposition has not been able to obtain a copy of the second reading explanation that I sought leave to incorporate. I have answered the question about whether the legislation fulfils Robert Park's request. I have answered the question on timing. I have answered the question about the panels. I have answered the question about the length of interim orders.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: There is no urgency about the bill. I think the people of South Australia would be shocked if they realised we had an opposition in this state that wants to start work at 2 o'clock on a sitting day and go home before dinner time.

Bill read a second time.

In committee.

Clause 1 passed.

Clause 2.

Ms CHAPMAN: This is the commencement clause which makes provision for the bill to come into operation on a date to be fixed by proclamation, and, of course, that is not defined in the bill. Attorney, what is the basis upon which it is necessary for this bill to be dealt with today in this chamber?

The Hon. M.J. ATKINSON: If the member for Bragg had more experience, she would know that most acts commence on proclamation. They did so when her party was in government; they continue to do so.

Ms CHAPMAN: Accordingly then, why is it necessary for the matter to be dealt with today rather than on another sitting day of the parliament?

The Hon. M.J. ATKINSON: The government has a work ethic. That is why it is in front in the polls. The opposition is clearly divided about everything it can divide about. The Deputy Leader of the Opposition agreed with the government today to add this to our work program so that we would do a decent day's work in parliament, and not turn up at 2 p.m. and leave before 6 p.m. We have accordingly added it to the government program by the agreement of the opposition's representative in managing government business.

Before the dinner adjournment, the opposition went through a series of divisions with the government, voting with the government so that this bill could be considered. But so deep are the hatreds in the opposition that the members for Bragg and Heysen have gone off and run their own race, contrary to their deputy leader, and decided to filibuster on this bill as some kind of macho statement or civil disobedience against the opposition leadership. Opposition, heal thyself.

Ms CHAPMAN: Has anyone or any organisation made any request at any time to the government to have these amendments dealt with immediately, that is, in direct contravention of the seven-day rule in relation to debate on a matter? If so, who?

The Hon. M.J. ATKINSON: If the opposition wanted to insist on the seven-day rule about this bill, all it had to do was get its representative for managing government business to indicate that to the government, and we would have complied immediately.

Ms Chapman: Anyone?

The Hon. M.J. ATKINSON: No. Your representative, the member for Finniss, the Deputy Leader of the Opposition whose authority you are undermining by your conduct tonight. The president of—

Ms CHAPMAN: I rise on a point of order, Madam Chair. The question was in relation to any person or organisation requesting the government to deal with this matter urgently. It has nothing to do with the allegations now being put by the Attorney-General in relation to alleged statements as to the negotiation of listing; nothing at all. My question was: has anyone asked?

The Hon. M.J. ATKINSON: For the information of the dishevelled Liberal opposition, trailing in the polls and facing one of its heaviest election defeats in the history of the party, the chairman of the—

Ms CHAPMAN: I have another point of order. Not only is this irrelevant, but, clearly, the Attorney is bordering on insulting to members of this place, and I ask him to withdraw and apologise.

The ACTING CHAIR (Ms Thompson): Attorney, I understand that the Chairman has asked for cooperation and to cease tit for tat across the chamber. I can see that it is happening on both sides, but perhaps you could set the example and proceed with consideration of the bill.

The Hon. M.J. ATKINSON: Madam Chair, the President of the Guardianship Board asked for these changes to be made as soon as possible so that the Guardianship Board would operate more efficiently. I am complying with his wish.

Clause passed.

Clause 3 passed.

Clause 4.

Mrs REDMOND: I refer to the new definition of health professional; and I gather that in the change in definition under the existing legislation it actually names the act—that is, the physiotherapists registered under the Physiotherapists Act 1991, or a chiropractor registered under the Chiropractors Act 1991. The new definition basically provides that they are able to practise in any of these listed professions—physiotherapy, chiropractic and so on—and states that that means a person who is authorised under the law of this state to practise any of the following professions. So, the new definition deletes the reference to the particular legislation, and I assume that that is because practitioners of various types might be registered under various acts from time to time, and this will solve the problem of having to, therefore, make amended references in the act in the future. I wonder why, given that we are inserting dentists later, dentists are not included as health professionals, and yet practitioners of osteopathy, which I would hardly call a profession, are.

The ACTING CHAIR: I am needing to catch up here. The comments that the member for Heysen made bears no relation to anything in front of me.

Mrs REDMOND: The definitions clause, Madam Acting Chair, under the term 'health professional' there is a new definition of health professional. There is a definition of health professional in the existing act, and there is a new definition of health professional in the bill.

The ACTING CHAIR: Attorney, are you aware of anything about definitions of health professional in the bill that you are considering? Can we have some information? We will proceed on the basis that the Attorney and the member for Heysen know what they are talking about, but unfortunately the table does not.

The Hon. M.J. ATKINSON: My guess is that, given that 'dentist' is defined in the same part, then there is no need to include 'dentist' under 'health professional', because it is already defined.

Mrs REDMOND: I wonder whether that implies in some way that dentists are not, but could the Attorney point me to the section of the existing legislation where the use of the word 'dentist' comes in? I know that later in the bill you add 'or dentist', but I do not see it anywhere else in the bill, and I assume it is in there already for a reason. So, my question is in two parts: for what reason is the term 'dentist' already defined; and why would it not simply be included as a health professional?

The Hon. M.J. ATKINSON: 'Dentist' needs to be separately defined because the term 'dental treatment' appears in the act.

Mrs REDMOND: In what context does the term 'dental treatment' already appear? From my understanding of the amendment proposed later in this bill it is to specify that dental treatment is to be included within the things that can be authorised by the board.

The Hon. M.J. ATKINSON: Section 60, among others, but we will supply an answer to the member for Heysen. It is of course asking us to do a clerical task that she could well undertake herself, but we shall do it.

Clause passed.

Clause 5.

Mrs REDMOND: I know that it is a repeat of what is in the existing legislation and what clause 5 does is delete subsection 6(5) and replace it with a new 6(5). I am curious as to why the act itself does not set up the constitution of the board as set out, instead of specifying that it can be set out in regulations. I do not recall seeing that before. It is usual that boards, when they are constituted under legislation, are simply done under the legislation itself and not under delegated regulation-making power.

The Hon. M.J. ATKINSON: My recommendation to the member for Heysen is that she learns a bit more law and gets out more, because she will see this kind of arrangement in many acts of parliament in states and territories of the commonwealth.

Ms CHAPMAN: On a point of order, the Attorney-General is reflecting poorly on the member for Heysen. It is not acceptable to be so insulting in relation to a quite legitimate question being put by her to the Attorney and which, if he cannot answer, he ought to indicate. If he will not answer—

The ACTING CHAIRMAN (Ms Thompson): That is sufficient, member for Bragg. I do not recognise the point of order but I do nevertheless ask the Attorney to cooperate in the speedy passage of this bill and to refrain from provocative statements. I ask all members present to refrain from provocative statements. Has the Attorney completed his answer?

The Hon. M.J. ATKINSON: There is nothing at all wrong with the practice that has been adopted by those who have drafted the Guardianship Act.

Clause passed.

Clause 6 passed.

Clause 7.

Mrs REDMOND: In the way that this is now constituted, as I understand it, there will be the potential for a board to be constituted of a president or a deputy president or a president with one non-legally qualified person or a deputy president with one non-legally qualified person or two non-legally qualified people. If it is the latter—that is, two people without legal qualification hearing the matter—any question of law that arises must be referred to the president or a deputy president for decision. Therefore, the first question is that, given the lack of legal qualifications of the people who are hearing the matter, and given that even practitioners who get out sometimes, at times have difficulty in identifying correctly what is a question of law and what is another matter, how will the non-legally qualified people know which matters they should refer to the president or the deputy president?

The Hon. M.J. ATKINSON: The board will always have legal advice available to it.

Mrs REDMOND: I still have some questions; indeed, that answer prompts me to ask how they will know when to ask for their legal advice. That is the essence of the question. I know that they can get legal advice. They have to refer

matters of law to the president or the deputy president. How will they know when it is an appropriate matter for referral?

The Hon. M.J. ATKINSON: If two laymen constitute the board, the act limits that panel to what it can hear. Secondly, I have every confidence in lay members of the Guardianship Board, just as I have confidence in special Justices of the Peace, after training, to be magistrates, whereas the member for Heysen is on record as being contemptuous of non-lawyers sitting as magistrates in the new petty sessions division of the Magistrates Court. The member for Heysen is on record as being demeaning towards those special justices who are about to take their positions. Contrary to the member for Heysen, I have confidence in the commonsense of laymen working in the Magistrates Court and on the Guardianship Board. The third thing is that they are subject to appeal; so, if something goes wrong it can be corrected on appeal, but that is a remedy of last resort.

Mrs REDMOND: First, I want to correct the record. I am not contemptuous of the appointment of special justices. I merely have good reason, on the basis of my own experience as a practitioner—which, of course, the Attorney has never been—appearing before some justices, to question whether it is always the most appropriate forum or the best versed in the appropriate application of the law. I resent the suggestion that I am contemptuous. I am not contemptuous of anyone who is seeking to do their job to the best of their ability. I wish the Attorney would take up that role sometimes.

I would like confirmation that I am reading the clause correctly. When the board is comprised of two people with non-legal qualifications, the President or the Deputy President nominates one of those two people to be the presiding member. So, if those two people cannot agree, in effect, the person who has been nominated gets the decision.

The Hon. M.J. ATKINSON: The member for Heysen is correct.

Clause passed.

Clause 8.

Mrs REDMOND: Except for the change in the number of days—increasing the seven days for an order to 14 days under a section 32(1) order and 21 days under any other order—it appears to me to simply be a rewording of the existing provisions; that is, whereas at the moment section 14(7), for instance, begins with the term 'notwithstanding subsections (4) and (6)', it now starts with, 'Despite subsections (4) and (6)'. It goes on to talk about the urgency and other requirements. So, I assume that is simply a change in drafting over time to perhaps make the use of the terms clearer, because there have been some people, from time to time, who have trouble with 'notwithstanding' as a term. Because I have had so little time to read and digest this legislation, I want to clarify that my reading is correct; that is, the only substantive change is that, instead of the seven days' limit, which now appears in subsection (8), we will have 14 days if it is an urgent order made under section 31(1) and in any other case an order for up to 21 days.

The Hon. M.J. ATKINSON: The member for Heysen is correct.

Clause passed.

Clause 9.

Mrs REDMOND: I do not think the Attorney commented on this clause in his second reading response. However, I take it that it is just a typo or error that appeared in the legislation when it was enacted in 1993 and no-one picked it up until parliamentary counsel was going through the legislation preparing this bill.

The Hon. M.J. ATKINSON: The credit for picking up this error is due to the Policy and Legislation Section of the Attorney-General's Department.

Clause passed.

Remaining clauses (10 and 11) and title passed.

Bill reported without amendment.

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

That this bill be now read a third time.

Mrs REDMOND (Heysen): I am so pleased that the Attorney-General has persuaded me that it is necessary for me to make a third reading contribution in relation to this bill. A number of comments were made by the Attorney-General in his closing remarks at the end of the second reading debate. He asserted, amongst other things, that Robert Park had made a written request, which he says he is happy to provide to us. He also asserted that this bill fulfils the details of that gentleman's written request. Until I was informed about him this evening, I did not know who Robert Park was. I mean no disrespect to that gentleman. I would say it is hardly satisfactory, if the government thinks this matter is so urgent, simply to assure us that it does comply with some written request. In any event, even if it fulfils the details of the written request, that does not justify the urgency. I repeat my earlier comment that I suspect it is to do with getting the Attorney-General out of a problem because he has not been on top of things in his portfolio on which he should have been on top. Therefore, he now needs to put through this legislation in a rush; otherwise, he will run out of time and we will be beyond the sittings of the 50th parliament.

Similarly, the Attorney commented on the Bidmeade report, saying that it was released in April on the Department of Health's web site. I do not happen to go on any web sites, and I certainly have not heard of Bidmeade—whoever or whatever that might be. I am still bewildered that we are expected to debate this issue without having had proper notice and a proper opportunity to consider the background and the reasons for it. In all his contributions the Attorney-General has failed to tell us anything which in any way justifies the supposed urgency of this matter's having to be considered.

Then, of course, the Attorney-General commented that 'the debate tonight owes everything to the inexperience of the member for Bragg and the member for Heysen'. I have to agree that I am inexperienced. I am trying to learn this job as best I can. I do think it is not unreasonable for any member, no matter how inexperienced or experienced, to have an opportunity to read the legislation or at least read the second reading explanation. I try to do that on any legislation which might come not only within my portfolio jurisdiction but also within areas of particular interest to me. Certainly, I had a fair bit to do with the Guardianship and Administration Act when I was in practice. I did a lot of enduring guardianships, and so on, and had to deal with people and explain the provisions of the act on many occasions. It is an act in which I am interested and on which I want to contribute.

Had we had a proper briefing, an opportunity to read the second reading explanation and some explanation as to why this matter was so urgent, I probably would not have been in here tonight making this contribution. I am sure the Attorney-General appreciates the fact that I have gone out of my way to try to get across this legislation and make a contribution on the matter.

The Attorney went on to suggest, after blaming the member for Bragg and me (and I am sure that most of the blame belongs with me, if blame is to be put anywhere), that he never stood in the way of legislation being dealt with urgently. I ask the Attorney: on how many occasions was he expected to debate legislation without even having had the second reading explanation? It seems to me to be patently unreasonable.

As for the suggestion that we should put this out in the public arena, I would be more than happy to justify my stance in public, and I will do so, because it seems to me to be a perfectly legitimate position to say that I take my responsibilities in this place as a legislator quite seriously. I like dealing with legislation and, in fact, I would like to have more opportunity to deal with legislation than has been the case. However, I accept that I cannot get my head across every piece of legislation that is going through. I do not have enough time to read it all, and I rely on my fellow shadow ministers to brief me on the legislation within their portfolios, just as they rely on me to brief them—

The Hon. M.J. Atkinson: You should have trusted your shadow on this.

The ACTING SPEAKER (Ms Thompson): Order!

Mrs REDMOND: It is all right, Madam Acting Speaker. My speech will simply go on longer every time he interjects.

Ms Rankine: You sat there and interjected all the way through—

The ACTING SPEAKER: Order! I ask the member for Heysen please to speak to the bill, which is the brief of the guardianship bill, and that is the brief of the speeches relating to the third reading. Will the Attorney please cease interjecting. I am sure that all members would appreciate a speedy passage of this bill. The member for Heysen will address the bill.

Mrs REDMOND: I am addressing the bill, Madam Acting Speaker. I am addressing the issue of the way in which we have reached the third reading of this bill.

The Hon. M.J. ATKINSON: Madam Acting Speaker, I rise on a point of order. As the bill comes out of committee it is not open, under the standing orders, for the member for Heysen the address the manner by which the bill comes to the house. That was relevant to the second reading, and only to the second reading.

The ACTING SPEAKER: I uphold the point of order. The member for Heysen, please address the content of the bill and the issues raised in committee.

Mrs REDMOND: I will turn to the provisions of the bill and go through them. I note that—

The ACTING SPEAKER: The member for Heysen, this is a concluding speech, it is not a rehearsal of the arguments of the second reading speech. Please proceed with new debate.

Mrs REDMOND: Madam Acting Speaker, since I had only uttered the words 'I note that' before you interrupted me—

The Hon. M.J. Atkinson: No, you said you would turn to the provisions—

Mrs REDMOND: The provisions of the bill.

The ACTING SPEAKER: And go through them. The member for Heysen, please proceed with your concluding remarks for the third reading speech.

Mrs REDMOND: That is what I am about to do. I did not address during the second reading the issue of this definition of 'health professional'. Whilst I accept that there is some sense in changing the way in which the definition is now posed, so there is no reference to the particular act under which those health professionals are registered, and we now will simply refer to them as people in their various professions who are authorised under the law of this state to practise any of those professions—

The Hon. M.J. Atkinson interjecting:

Mrs REDMOND: You have noticed?

The Hon. M.J. Atkinson: Yes.

Mrs REDMOND: It seems to me that it is a long stretch to call osteopathy a profession. I do not take issue with the others, but we could put 'witch doctory' in just as easily in terms of classifying—

The Hon. M.J. Atkinson: You had better send that out to the osteopaths then.

Mrs REDMOND: I have no difficulty at all with that being sent out to osteopaths. It seems to me to be an inappropriate classification of that occupation. I do not think it is generally recognised as a profession, unlike the others, and it seems to me to be somewhat demeaning of the others to include it with them. I note that the term 'dentist' was already defined, but it seems, nevertheless, given that we were putting in a new definition of 'health professional', that it would have been appropriate simply to include dentists within that definition of 'health professional'. I certainly see them more as a health professional than an osteopath and the definition is to all intents and purposes exactly the same, that is, a dental practitioner under the law of the state, just the same as all the other health professionals—a person authorised under the law of the state to practice their profession. So it seems to be commonsense to put all health professionals into one definition, rather than having a separate one for 'dentist', especially since there is already a separate definition in the legislation for 'dental treatment'. It seems that dentists could easily and more neatly have been included in the definition of 'health professional'.

As I indicated in my questions in relation to the way the board is to be constituted, I would have some hesitation about this idea that the board can now be made up of two or more panel members, where the panel members are neither the president nor the deputy president, and the people who therefore are making up the panel have no legal qualifications. I suspect that in due course there may well be difficulties with that particular method of setting up the panel.

It seems that the very nature of guardianship and administration orders, as are set out in the Guardianship and Administration Act 1993, really require an understanding of legal concepts and processes. I remember attending a continuing legal education lecture some years ago in which it was suggested by the very senior practitioner who delivered the lecture that assessing people's capacity for things like entering into enduring guardianship orders is actually a more complex and difficult test than that of assessing their testamentary capacity for drawing a will.

It seems that it is potentially a dangerous thing to set up the board so that people without any legal qualifications can be left to make the decision and, if they choose not to refer something off to a president or deputy president because they consider that it is a question of law and they want to get that person's decision on the question, then whoever has been nominated as the presiding member will basically make the decision. It seems that there are some risks in going down that path. Nevertheless, I gather from the comments of the Attorney that the president has made a written request, given the Attorney's assertion that this legislation fulfils the details of that request (and I have no reason to doubt the bona fides

of the Attorney in relation to his assertions). However, it would have been useful for us to have seen that written request and understand the nature of it before being asked to pass this legislation.

Given that the president believes that it could be appropriate to have a board set up using two members of the panel who lack any legal qualifications, and assuming that not only is the Attorney's assertion correct but also that everybody is comfortable with the idea that these people will know when to refer a question of law to the president or deputy president, I am disposed to accept that request at face value and proceed down that path and at least allow the administration to see how it goes in practice, much as the Attorney is currently seeing how things will go with the special magistrate, who he is so keen to appoint.

They are my comments on that particular aspect of the bill. Having said that, if we then look at section 14, it deals with urgent proceedings before the board. If the board is satisfied that urgent action is required, it can proceed to make orders without providing notice under sections 14(4) and 14(6). Under subsection (4), it is supposed to give certain people reasonable notice of the hearing; that is, the applicant (who presumably knows because the applicant is normally the person applying to have the hearing); the person to whom the proceedings relate (and that would be normal, although obviously, in some cases, it cannot apply, in the sense that that person is not competent to receive any notice or to do anything about attending); the Public Advocate; and such other persons as the board believes have a proper interest in the matter.

What this subsection and existing sections 14(7) and 14(8) do is to say that the board can proceed to what is an ex parte application and hearing if it thinks there is sufficient urgency. I can understand why you might not want to proceed ex parte and not have to take time to notify various people, but it would seem reasonable to say that the Public Advocate, for instance, should still be notified. The Attorney may not be aware, never having been in practice, but those of us who have practised often come across situations where someone proceeds to get an ex parte order of whatever kind, be it an injunction or anything else; and, in due course, when the court gets to hear the whole story, the order is dissolved because they have heard only half the story because they have had only one party making assertions and no-one making a contrary assertion.

If I had the opportunity to consider this issue, it would have seemed to me to be appropriate to at least say, 'Well, if you are going to proceed ex parte, let us at least have the Public Advocate present so that we will not proceed to make orders based on the assertions of one person (or party) who may have a particular interest in the matter.' I have no particular difficulty about the board being authorised to—

The SPEAKER: Order! The member's time has expired.

Mrs REDMOND: With respect, I had no indication as to what time I had. The clock has never been on.

The SPEAKER: Order! There is a longstanding tradition that the time is not shown during the third reading, but it is 20 minutes for all speeches other than a grievance and for the lead speaker.

Mrs REDMOND: Thank you, Mr Speaker.

The SPEAKER: That is the rule.

The Hon. M.J. ATKINSON (Attorney-General): I simply do not know what the Guardianship Board will make of it when it reads this debate.

Bill read a third time and passed.

NATURAL RESOURCES MANAGEMENT (USE OF RECYCLED WATER) AMENDMENT BILL

The SPEAKER: I have examined the Natural Resources Management (Use of Recycled Water) Amendment Bill introduced by the member for Unley and note that clause 3 contains a provision intending to declare a levy. This makes it a money bill. Standing order 232 says, in part, and I quote:

> A bill which imposes a tax, rate, duty. . . is introduced by a minister.

I therefore rule that the Natural Resources Management (Use of Recycled Water) Amendment Bill is a money bill which cannot be introduced by a private member, and direct that it be withdrawn from the *Notice Paper*.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

The Legislative Council, having considered the recommendations from the conference on the bill, agreed thereto.

STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL

Received from the Legislative Council and read a first time.

ADJOURNMENT

At 9.18 p.m. the house adjourned until Thursday 22 September 2005 at 10.30 a.m.