HOUSE OF ASSEMBLY

Monday 21 November 2005

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

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

The Hon. M.J. ATKINSON (Attorney-General): I have to report that the managers have been at the conference on the bill, which was managed on part of the other place by the Hons J. Gazzola, I. Gilfillan, P. Holloway, R.D. Lawson and T.J. Stephens, and there we delivered the bill, together with the resolution adopted by the house that the disagreement to the amendment of the other place be insisted on; and thereupon the managers for the two houses conferred together and it was agreed that we should recommend to our houses:

As to amendment No. 5:

That the disagreement to the amendment of the Legislative Council be no longer insisted on and a consequential amendment be made to the bill indicated in the schedule being distributed.

Clause 10, (new section 20), page 8, lines 14 to 21—

Delete subsections (3) and (4) and substitute:

(3) A person who commits an assault is guilty of an offence.

Maximum penalty:

(a) for a basic offence—imprisonment for two years;

(b) for an aggravated offence (except one to which paragraph (c) applies)—imprisonment for three years;

(c) for an offence aggravated by the use of, or a threat to use, an offensive weapon—imprisonment for four years.

(4) A person who commits an assault that causes harm to another is guilty of an offence.

Maximum penalty:

(a) for a basic offence—imprisonment for three years;

(b) for an aggravated offence (except one to which paragraph (c) applies)—imprisonment for four years;

(c) for an offence aggravated by the use of, or a threat to use, an offensive weapon—imprisonment for five years.

Note—

This offence replaces section 40 (assault occasioning actual bodily harm) as in force prior to the commencement of this subsection and, consequently, see Coulter v The Queen (1988) 164 CLR 350.

And that the House of Assembly agree thereto.

MOANA ROUNDHOUSE

A petition signed by 30 residents of South Australia, requesting the house to urge the government to take action to return the Moana roundhouse to the local heritage list, was presented by the Hon. I.F. Evans.

Petition received.

MURRAY BRIDGE BUS SERVICE

A petition signed by 374 residents of South Australia, requesting the house to urge the Minister for Transport to provide the people of Murray Bridge with a bus service identical to that offered in Mount Gambier; with the capacity for residents to phone and obtain a bus within an hour, was presented by the Hon. I.P. Lewis.

Petition received.

REPLIES TO QUESTIONS

The SPEAKER: I direct that the written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: Nos 555, 556, 576 and 585; and I direct that answers to questions without notice be distributed and printed in *Hansard*.

PASTORAL LEASES

555. **The Hon. G.M. GUNN:** Who has been appointed to carry out assessments of pastoral leases, what tertiary, managerial and land management qualifications do they hold and on whose recommendations were they appointed?

The Hon. J.D. HILL: I am advised:

Rural Solutions SA have been engaged by DWLBC via a service level agreement to undertake assessments on behalf of the Pastoral Board. The arrangement is on a pilot basis in the Kingoonya District.

Three Pastoral Assessment Officers have been appointed by Rural Solutions SA in accordance with the Service Level Agreement. These officers have appropriate graduate or postgraduate qualifications in Environmental Science/Management as required by the Position Description when the positions were advertised.

They were appointed following a merit based selection process, in accordance with the *Public Sector Management Act 1995* on the recommendation of a panel convened by Rural Solutions SA (PIRSA), as the positions are managed by Rural Solutions SA. DWLBC was involved in developing position descriptions and assisted with selection panels.

A fourth Pastoral Assessment Officer with appropriate experience and qualifications in Environmental Science, has been seconded to the Assessment Project on a temporary basis, from the Pastoral Program, Land and Biodiversity Division, Department of Water, Land and Biodiversity Conservation.

FREEHOLD PERPETUAL LEASES

556. **The Hon. G.M. GUNN:**

1. How many applications to freehold perpetual leases are currently being assessed by the department and what is the expected time frame to complete these assessments?

2. Has the department given further consideration to the rangelands perpetual leases with a view to allowing them to be freeholded?

3. Who makes the decision on which perpetual leases will be offered for freehold and are there still mechanisms available to leaseholders to appeal against unsuccessful decisions?

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

1. 5 751 applications to freehold perpetual leases are currently being assessed. This includes applications in all areas. It is expected that all of the applications will be assessed by 30 June 2007 with the majority of freehold titles being issued by 30 September 2007. Those applicants that requested extended time to pay under drought conditions have three years to complete the requirements for freeholding, which may mean a few applications are not completed until 2008.

2. Following the final report of the Select Committee on the Crown Lands (Miscellaneous) Amendment Bill 2002, I undertook to conduct an environmental and conservation survey of the rangelands before making any final determination. The survey clearly showed the fragile state of the area and showed that perpetual lease land was in overall poorer condition than the adjacent pastoral leases. In view of these findings, I made a statement to Parliament on 22 July 2004 stating that freeholding in the Rangelands would only be permitted for leases used for residential, public recreation, commercial or industrial purposes and those where sustainable cropping could be demonstrated by cropping in three out of the last five years. It is not in the public interest to allow general freeholding of leases in the rangelands at this time. The Natural Resources Management Bill will provide a potential mechanism for addressing land management in the rangelands over time and the matter of freeholding perpetual leases can then be re-assessed.

3. The Perpetual Lease Accelerated Freeholding project was established to implement the recommendations of the Select Committee on the Crown Lands (Miscellaneous) Amendment Bill 2002. Freeholding has been offered to eligible lessees following the Committee's recommendations. The project team conducts the

freeholding within the Select Committee's recommendations and established policy.

Following Recommendation 27 of the Committee, a Review Panel has been established to consider cases of inequity and financial hardship caused by the freeholding process. I accepted the recommendations of the Review Panel in February 2005 and am advised that these recommendations are being implemented.

LIVE MUSIC FUND

576. **Mr HAMILTON-SMITH:** Who is managing the Live Music Fund, how has it been spent, how many live musicians have received support and what are the criteria for support?

The Hon. M.D. RANN: I have been advised of the following:

In 2005-06, the South Australian Film Corporation (SAFC) will receive a total net operating grant of $4 406 000 from the South Australian Government. In 2004-05, two additional grants totalling $750 000 were paid to the South Australian Film Corporation for:

- $250 000 will be directed at script initiatives designed to ensure more screen projects go into production and commercial release through the development of high quality scripts and market ready teams.
- $500 000 will be directed at ensuring the SAFC can compete on an equal footing with other States in offering screen production incentives. The incentives will take the form of a ten percent employment rebate on SA labour expenditure for an eligible film or television production.

Future funding commitments will be determined through the normal annual State budget process.

I have been informed that since May 04, under the current management of CEO, Helen Leake, there has been no specific funds spent on the studio infrastructure needs other than staff time in researching and presenting information to the SAFC Board. Management are developing options for further consideration by the Board.

EBIZSA PROGRAMS

585. **Mr HAMILTON-SMITH:** How do ebizSA programs foster the business use of ICT and how much funding is provided for these programs?

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

The ebizSA program supports a range of initiatives including workshops and seminars and hands-on support and advice to help small businesses implement online technologies. The program has provided joint funding initiatives to develop growth in a number of industry sectors in South Australia. These include the following major projects:

- Training in the Government's new ConnectSA Central Reservation system being established within the South Australian Tourism Commission.
- Online learning in the private aged care sector.
- Development of a communications and information management system for the Business Enterprise Centres (BECs) and Regional Development Boards (RDB) networks in South Australia.
- Support for a number of small exporters to more effectively use the Internet to increase exporting opportunities.

There is also a strong relationship between the ebizSA program and the State's Broadband Strategy. The ebizSA program supports the State's $7 million Broadband Development Fund by helping businesses to make the best possible use of broadband connectivity. Finally the program supports one of the key targets (T4.7) of South Australia's Strategic Plan of increasing the use of the Internet. The ebizSA program will achieve this target by focusing on how the Internet can be used to facilitate commercial transactions, online learning, more effective marketing and enhanced communications between customers and suppliers.

Since the ebizSA program began in November 2004, funds of $441 615 have been provided for the period up until 30 June 2006.

APY CENTRAL POWER STATION

In reply to **Mr WILLIAMS** (Estimates Committee B, 21 June).

In reply to **Mrs REDMOND** (Estimates Committee B, 21 June).

The Hon. M.J. WRIGHT: I have been advised by the Department for Aboriginal Affairs and Reconciliation that:

The distribution system is scheduled for completion by September 2006.

The APY Central Power Station will replace smaller, less efficient power stations at Pukatja, Fregon, Mimili, Indulkana and Amata. These five communities currently receive their electricity from small, facilities located within each community.

Two diesel generators (one each at Fregon and Indulkana) were replaced in mid-late 2003. Neither of these replacements was a result of the delays experienced in the APY Central Power Station project, with both replacements required prior to the original APY Central Power Station project completion date.

UTILITIES, CONCESSIONS

In reply to **Mr HAMILTON-SMITH** (Estimates Committee A, 16 June).

The Hon. M.D. RANN: The Minister for Energy has provided the following information:

The Essential Services Commission of South Australia (ESCOSA) has responsibility for the administration of the Electricity Distribution Code (Code). Chapter 3 of the Code outlines the procedures for establishing new connections, or modifying existing connections, that require extension and/or augmentation of the electricity distribution network.

ESCOSA released its draft determination on 9 August 2004, setting out its conclusions on the nature of the augmentation charging regime. The Government has made submissions to ESCOSA's review of this issue, arguing for greater transparency and where safety issues permit, a wider scope of works that are contestable, so as to ensure that customers only pay a fair and reasonable contribution towards connections and augmentation costs. ESCOSA released its final determination on 29 March 2005.

The new Chapter 3 augmentation charging regime took effect from 1 July 2005 and retains the position that most small customers' do not pay a customer contribution.

Under the new scheme, the majority of customers that make a contribution will have it based on a simple formula of the customer's expected demand, multiplied by a unit cost (measured per kVAs), based upon the broad costs of upgrading the shared network. ETSA Utilities is required to comply with these provisions as a condition of its distribution licence.

ESCOSA has also issued a guideline (Electricity Industry Guideline No. 13) to provide clarity on the application of certain provisions of Chapter 3 of the Code, to ensure greater certainty to ETSA Utilities and to customers making connection inquiries. The guideline requires ETSA Utilities to provide to ESCOSA, and make public, certain information regarding augmentation matters (i.e. forecasts or projections must be supported by clear and transparent explanations of any assumptions made to derive the information).

DEPARTMENTAL OPERATING COSTS

In reply to **Hon. R.G. KERIN** (Estimates Committee A, 15 June).

The Hon. M.D. RANN: I have been advised:

As highlighted on pages 2.20 and 2.21 of the 2005-06 Budget Statement, savings from administration measures totalling $450 000 and $950 000 are being sought from Premier and Cabinet and Arts SA respectively in 2005-06.

These savings have been allocated in the following areas:

Agency/Division	2005-06 $'000	2006-07 $'000	2007-08 $'000	2008-09 $'000
Premier and Cabinet, which includes, Immigration SA, Corporate & State Services, Strategic Projects, Public Sector Reform, Social Inclusion, Office of the Agent General				
Total	450	461	473	485

Agency/Division	2005-06 $'000	2006-07 $'000	2007-08 $'000	2008-09 $'000
Arts SA, which includes, Adelaide Festival Centre Trust, Country Arts Trust, State Library of SA, Art Gallery of SA, SA Museum, History Trust of SA, Carrick Hill Trust, Tandanya, Artlab, Disability Information & Resource Centre, Project grants, Health Promotion through the Arts, SA Flim Corporation, Adelaide Festival, Adelaide Film Festival, SA Youth Arts Board, Adelaide Fringe, SA Film Corp, Arts SA, Arts SA Central				
Total	950	974	998	1 023

CONSULTANTS

In reply to **Mr HAMILTON-SMITH** (Estimates Committee B, 20 June).

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

Details of expenditure on consultants in 2004-05 are shown in the table below.

Consultant	Amount ($) (incl GST)	Work undertaken	Method of appointment
Ernst & Young and Atlatl (joint)	125 185	Optimal Model for Commercialisation of Intellectual Property in SA	Limited request for proposal
Coutts Communications	34 540	ICT Cluster Research	Limited tender
University of SA	17 050	Synchrotron Demand Study	Waive of tender
Intellesys Consulting	45 408	Broadband modelling	Waive of tender
Swinburne University	10 000	Community Innovation Awareness survey	Limited tender
Eckermann & Associates	11 500	Establish best practice policy and market developments for the provision of broadband infrastructure and services in the context of land management and development	Limited tender

There was only one consultancy for Playford Capital in 2004-05 that was valued at $5 000 or more:

Consultant	Cost	Work undertaken	Method of appointment
Woods Bagot Pty Ltd	$9 070	Design services – office refurbishments	Select Tender

MURRAY MOUTH, DREDGING

In reply to **Hon. I.P. LEWIS** (20 September).

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

1. & 2. The sand pumping project at the Murray Mouth commenced in October 2002. In that time, just over 3.5 million cubic metres of sand have been dredged, at an approximate cost of $16.5 million (excluding GST). This is funded by the Commonwealth, New South Wales, Victorian and South Australian Governments.

3. In 2004-05, 1.33 million cubic metres were dredged at a cost of $6.6 million (exc GST). If flow conditions in the River Murray are such that sand pumping will be required for all of 2005-06, the estimated cost for the year would be $7.3 million (exc GST).

4. When it became known that the cost of the sand pumping was likely to exceed $4 million, advice was sought as to whether this matter should be referred to the Public Works Committee before it could be submitted to Cabinet for their approval.

Advice was sought initially from the Secretary of the Public Works Committee who advised that, in his opinion, the works did not need to be referred to the Public Works Committee, as they constituted maintenance rather than construction, but he suggested that legal advice be sought.

Legal advice was obtained through SA Water and the advice received was that since the objective of the project was to remove accumulated sand that had deposited inside of the Murray Mouth over time rather than construct new works, the sand pumping was a maintenance activity and not "construction" work as defined in the *Parliamentary Committees Act 1991*, so it did not require referral to the Public Works Committee.

FEES AND CHARGES REVENUE

In reply to **Hon. DEAN BROWN** (Estimates Committee B, 20 June).

The Hon. K.A. MAYWALD: The Attorney-General has provided this advice:

Fees charged by the Office of Consumer and Business Affairs that have risen by more than C.P.I. are licensing fees under the *Security and Investigation Agents Act, 1995*. These have risen by more than C.P.I. to partially fund the cost of reforms introduced in the *Statutes Amendment Liquor, Gambling and Security Industries) Act, 2005*.

These fees are:

Application fees for a licence have risen from $191 to $325 for an individual or $525 for a body corporate.

Annual and pre-grant fees for licences have risen from:

- $130 to $210 for an individual restricted to working as an employee only;
- $320 to $440 for an individual whose licence allows them to carry on a business; and
- $482 to $575 for a body corporate

K&S CORPORATION

In reply to **Mr WILLIAMS** (23 June).

The Hon. K.A. MAYWALD: The Minister for Industry and Trade has provided the following information:

I have been advised that the Department of Trade and Economic Development have been unable to identify any approaches made by K&S Corporation to government to discuss this issue.

ADMINISTRATIVE SERVICES, MINISTERIAL OFFICE BUDGET

In reply to **Mrs REDMOND** (Estimates Committee A, 20 June).

The Hon. J.W. WEATHERILL: For 2002-03, Minister Weatherill was responsible for the Administrative Services portfolio that comprised 16 full-time equivalents (FTEs). From 2004-05, Minister Weatherill changed responsibilities to the Human Services portfolio, shared with the Minister for Health, and with the Minister for Youth and the Minister for the Status of Women.

The cost of ministerial resources currently includes salaries and wages, Minister's Superannuation, operating expenditure, and accommodation and service costs. Based on known DFC budget information and applicable standard Treasury indexation, the following factors have contributed to the apparent change in cost per FTE:

1. The 2002-03 Budget included $505 000 and 9 FTEs for the media monitoring group that was not transferred when Minister Weatherill changed portfolio responsibilities. This group effectively reduced the cost per FTE in 2002-03 as there were no accommodation and minimal operating expenditure included in their respective component of the budget.
2. Minister's Superannuation was not included in the 2002-03 Budget as this was paid by the Department of the Premier and Cabinet.
3. Treasury indexation for the three fiscal years from 2003-04 to 2005-06 increased the cost per FTE.
4. Change in rounding from 0 to 1 decimal places used to report FTEs for the 2005-06 Portfolio Statements. Due to the low number of FTEs, this resulted in an increased cost per FTE.

CHILD ABUSE REPORT LINE

In reply to **Mrs REDMOND.**

The Hon. J.W. WEATHERILL: I can advise that District Offices do not place Tier ratings on child protection notifications. The Child Abuse Report Line (CARL) receives and assesses all new notifications for CYFS. It is the role of CARL to determine Tier ratings upon receiving notifications. I can assure you that Tier ratings or notifications are not downgraded according to the capacity of an office to complete the interventions required, nor for any other resource reasons.

CARL assesses safety and risk according to the information provided by the notifier and ascribes an appropriate Tier level reflecting safety and type of response. Furthermore, I am advised that CARL also maintains a series of measures to maintain and ensure quality and consistency of decision making in relation to notifications.

I can assure you that all urgent/critical child protection matters will receive a quick response, in both metropolitan and rural South Australia. The specific allegation that a child has been beaten and that this matter was downgraded due to workload is serious and requires investigation, however unless further specific details are provided this is not possible.

Members interjecting:

The SPEAKER: The house will come to order!

The Hon. K.O. Foley interjecting:

The SPEAKER: The Treasurer is grossly out of order.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

Pursuant to Section 131 of the Local Government Act 1999 the following 2004-05 annual reports of Local Councils:

Wattle Range Council
Karoonda East Murray, District Council of
Light Regional Council.

STANDING ORDERS

The SPEAKER: Before calling on the presentation of papers, members should have in front of them a copy of proposals to possibly change standing orders. These are only proposals and they are certainly for the consideration of members, including retention of the status quo. I urge members to look at those standing order proposals and to respond appropriately either through their party or directly to the Clerk or me.

Members would be aware of the rulings of previous occupants of the chair in relation to the use of mobile telephones in the chamber. In the light of a recent ruling of Speaker Hawker in the House of Representatives in relation to text messages, I advise members that it is my view that the use of mobile telephones for the purpose of sending and receiving text messages is in order and is little different, in practice, to sending and receiving emails via notebook computers that members have been free to use in the chamber for some time now. However, the same conditions of use are to apply. The mobile telephone must be switched to silent operation and the sending and receiving of messages must not interfere with the chamber's audio system or interrupt the proceedings of the house.

As to the use of mobile phones for making and receiving calls in the chamber, this has become too prevalent and disruptive. I remind members that the ban still applies, and I will not hesitate to take action in relation to any inadvertent or deliberate breach of that ban. Members who receive a call on their mobile phone in silent mode while in the chamber must leave the chamber if they wish to answer the call. I remind members that the house provides a very reliable internal intercom for communication between the chamber and the rest of the building, and I urge members to make use of it.

HEALTH CARE SYSTEM

The Hon. J.D. HILL (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: A number of allegations have been made recently in this place about patient care in our health system. In particular, the member for Finniss made certain allegations which I undertook to investigate (and which the former minister undertook to investigate), and I said I would report to parliament. The following is based on advice provided by the Department of Health by senior clinicians (I emphasise) at the hospitals concerned.

The first of these is an item raised by the current deputy leader in relation to mental health files, and I congratulate him on his appointment and wish him a very long term in that position. In relation to the missing mental health files, it appears that personal files on mental health cases were taken home by a medical professional and later left in the custody of the professional's partner. The following information on this matter has been reported so far:

- A medical professional, who is an employee of the Child and Adolescent Mental Health Service, took several case files home.
- Following a relationship breakdown in December 2004, the medical professional left home, leaving the case files behind. The medical professional's partner then took action to prevent the person returning to the family home (and, presumably, gathering the files).
- In correspondence to the former minister for health on 20 April 2005, the partner (that is, the person who was staying at the home) reported that she had discovered the case files when cleaning out a room.
- She reported that, due to the acrimonious nature of the relationship with her former partner (the health profes-

sional), she was unable to contact her former partner to discuss the matter, so sought advice from the minister as to what she should do with the files.

- The minister's staff advised her in writing to take the case files to the Mental Health Unit within the Department of Health for the attention of the Director of Mental Health, who would then ensure that they were returned to the appropriate health service. She was provided with contact details. She was also advised that if she was unable to deliver the files by hand she should send them to the Director of Mental Health by registered post.
- It appears that the correspondent made contact with the office of the Director of Mental Health but that no action was taken to retrieve the files.

Two investigations into this matter are now taking place, and they are:

1. an investigation led by the Chief Medical Officer in conjunction with the Department of Health's Audit Committee. The parameters of this investigation have been discussed with the Auditor-General; and

2. an investigation put in place by the Southern Adelaide Health Service and being conducted by the Crown Solicitor's office. This is inquiring into some aspects of the case.

The investigations now under way will include whether or not any laws have been broken.

The second issue to which I refer is an allegation about a 3½ hour wait at the Flinders Medical Centre. At about 4 p.m. on Sunday 2 October, an 89 year old woman from the Kalyra nursing home was transferred to the Flinders Medical Centre emergency department. A locum GP who was not familiar with the woman was called to see her at the nursing home and arranged for her to be transferred by ambulance to the Flinders Medical Centre. In the letter of referral the local GP reported that the woman had had indigestion, food intolerance and constipation, and suggested that she might have 'a subacute bowel obstruction'. It appears from the documentation provided by the nursing home on referral that, in view of the woman's longstanding and advanced ill health, her usual GP had been caring for her palliatively.

The member for Finniss alleged that:

> . . . during the 3½ hours that she was kept waiting at the emergency department she was not seen by a doctor.

The matter has been investigated by the clinical director of the emergency department at the Flinders Medical Centre, and I have had received the following information:

- The patient arrived in the emergency department just after 4 p.m. and was assessed as a category 3 patient (to be seen by a medical officer within 30 minutes, if possible). She was, in fact, seen by a registered nurse 20 minutes after arriving, who took her clinical observations. These were within normal limits.
- The patient's clinical observations were taken again at 6.15 p.m.
- Other tests were undertaken at 6.35 p.m. and observations taken again at 7.20 p.m.
- In view of her medical condition, her condition and wishes in relation to resuscitation had been raised with her son who confirmed that his mother should not be resuscitated.

The son confirmed that his mother should be not resuscitated.

- The patient was seen by a doctor at 7.28 p.m.
- The patient's condition deteriorated rapidly at this time and she died at 7.45 p.m.
- At the time of the patient's arrival, the emergency department—

The SPEAKER: Order! It is very hard to hear the minister. It is a very important statement.

The Hon. J.D. HILL: I repeat:

- At the time of the patient's arrival, the emergency department was dealing with two critically ill patients who required resuscitation, and a number of other seriously ill patients required the attention of several senior doctors over several hours.
- I am assured that, in view of her advanced medical state and the fact that her condition had been slowly deteriorating over several days, the death of this patient would not have been prevented by her being seen any earlier by an emergency department doctor.
- The clinical director of the emergency department has since been in contact with the family of this patient to discuss their concerns directly.

The third issue to which I refer is the heart surgery patient, allegedly left in bloodstained bedsheets for 2½ days. In this place on 22 September 2005, the deputy leader at the time (the member for Finniss) said:

> Is the minister aware of the unsatisfactory care of a 78 year old pensioner at Flinders Medical Centre who had a quadruple heart bypass operation and who was left in bloodstained bed linen for 2½ days without the linen being changed, and what action will she—

the then minister—

> take on improving hospital hygiene?

Following investigation, I received the following information on this matter:

- The patient received high quality surgical treatment at the Flinders Medical Centre and made a particularly good recovery.
- It appears that, on the morning of the day before the patient's discharge, a small quantity of blood leaked from a vacuum vessel draining the patient's wound and stained the patient's sheets. (This occurred 1½ days before the patient was discharged, not 2½ days as reported.)
- The nursing record clearly indicates that following this leakage the patient's dressing was changed on more than one occasion until the wound drain was removed before his discharge.
- Although no record is kept as to when his bedsheets were changed, it would be usual nursing practice for soiled sheets to be replaced.
- It appears the sheets were not changed due to the patient's imminent discharge.
- The Department of Health has assured me that bloodstained sheets are unlikely to be the source of cross-infection.
- The Flinders Medical Centre has stringent infection control practices in place, including random audits of hand washing by all clinical staff, which is essential to prevent cross-infection.
- The Director of Medicine, Cardiac and Critical Care at the Flinders Medical Centre contacted the patient to discuss any concerns about his care and offered to meet with him personally. I understand that, so far, the patient has declined this offer.

Finally, I refer to the Royal Adelaide Hospital patient who is alleged to have waited 16 hours in the emergency department without certain things. The member for Finniss alleged that, first, this patient was not offered pain relief, food or drink and, secondly, had to make his own bed. The member also said:

Mr Standley should never have been subjected to such an experience, particularly because it was a planned admission [Page 9, *Sunday Mail*, 23 October 2005].

Following investigation, I received the following information on this matter:

- The patient was transferred from Mount Gambier Hospital to the Royal Adelaide Hospital on Wednesday 19 October 2005 for a surgical review requested by his specialist in Mount Gambier. He arrived at the emergency department at 8.20 p.m.
- A bed was not immediately available, although additional beds had been opened to meet an increase in demand for emergency admissions at that time.
- The patient was provided with pain relief soon after his arrival in the emergency department. He was seen by a doctor just after 10 o'clock, who arranged for him to be reviewed by the surgical team.
- The patient was fasted overnight, as it was possible that he might require surgery. However, after the surgical team had decided that he would not require immediate surgery, he was offered breakfast at 7.30 a.m, which he refused. He also refused further pain relief at this time.
- Pending his admission to a ward, the patient was provided with a hospital bed in the emergency department overnight. While a nurse was making a bed for a very sick elderly woman, who was also awaiting admission, the patient insisted on making his own bed, although the nurse informed him that she would only be a few minutes.
- The patient was transferred to the orthopaedic ward at 1.45 p.m. on 20 October once a bed had become available.

Members interjecting:

The SPEAKER: Order, the members for Finniss and West Torrens!

NATURAL RESOURCES COMMITTEE

Mr RAU (Enfield): I bring up the 5th report of the committee, entitled Saline Water Disposal Basins in South Australia.

Report received and ordered to be published.

QUESTION TIME

HOSPITALS, QUEEN ELIZABETH

Mr BROKENSHIRE (Mawson): Will the Minister for Health explain why the cost of stages 2 and 3 of the Queen Elizabeth Hospital redevelopment is now estimated to be $317 million, whereas the 2003-04 budget papers estimated the total cost of stages 2 and 3 at $60 million? The opposition has details of an October cabinet submission which showed that stage 2 costs are $120 million and stage 3 costs are $197 million, a total cost of $317 million. The 2003-04 budget papers show that the estimated total costs of stages 2 and 3 combined were $60 million. This represents a $257 million cost blow-out.

The Hon. J.D. HILL (Minister for Health): I thank the member for his first question as shadow minister for health. If the opposition had been better coordinated, it would have known about this some time ago because all of this information was presented at the Public Works Committee in the due course of events. So, the so-called leaked document that it has is just a red herring.

The issue regarding the Queen Elizabeth Hospital capital works is of great importance to this government compared to the other side, because in the eight years when members opposite were in office they had no plans to develop the Queen Elizabeth Hospital until the last moment, when a small amount of capital was put into the forward estimates—$40 million or thereabouts.

When the opposition was in government it wanted to privatise the hospital, and in 1996 when it came to office that is what it planned to do. No work was done on the Queen Elizabeth Hospital. When we came to government—

The Hon. R.G. KERIN: On a point of order, the minister has deliberately ignored the question. It goes to relevance. What he is talking about is nothing to do with the question.

The SPEAKER: I do not think the minister has strayed too far, but he should keep on the question.

The Hon. J.D. HILL: I say to the house that this is all relevant because the house needs to understand the background and the demand for capital works at the Queen Elizabeth Hospital, because for eight years nothing was done, so the build-up of demand was huge. When we came into government, we set about modernising and developing the Queen Elizabeth Hospital. That was our commitment. We put some—

The Hon. D.C. Kotz interjecting:

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

The Hon. J.D. HILL: When we came to government, we committed ourselves to developing properly the Queen Elizabeth Hospital. We came up with a proposition to have a $120 million redevelopment of the hospital and what is known as stage 2. The Premier made announcements about this in May this year, and said that there would be a stage 2 and a stage 3. More recently, when we went to the Public Works Committee—

Ms Chapman interjecting:

The Hon. J.D. HILL: Calm down. All will be revealed. Don't tell me—

Ms Chapman interjecting:

The Hon. J.D. HILL: The member for Bragg is now an expert on health matters, too. It is a pity she did not get the guernsey in the reshuffle! When we came to government, we went through this process, and we put aside $120 million for the development of stage 2; that has not blown out. I can go through what is involved in stage 2. Stage 3 will be required. The Premier committed us to stage 3. The advice given to the Public Works Committee is that stage 3 might be about $197 million but more work is required to be done in relation to that. Stage 2 is a significantly—

Members interjecting:

The SPEAKER: I do not know whether members want to hear the answer, but the chair does.

The Hon. J.D. HILL: They obviously do not, Mr Speaker. Stage 2 is a considerably greater development than was originally planned for a number of reasons, which I will go through for the house. The first is that when the detailed work was done on the capital already at the hospital—its physical infrastructure, the mechanical and electrical services, and so on—it was realised that a lot more development work was required to bring them up to scratch; so, that added an extra financial burden and made it a bigger project.

The second issue in relation to the hospital is that a decision was made by cabinet to increase the spatial requirements from 55 000 square metres to 65 000. So, it was a bigger development. In addition, there was additional car parking and other services of that ilk.

As I said in a media interview today, if anybody has gone through the process of building a house or renovating any property at all, they always come up with extra things that are required. There is also an accelerator effect in relation to building projects in South Australia which everybody in this house will understand. Let me assure the house that the $120 million which has been committed to stage 2 is sufficient to finish stage 2—there is no blow-out. There will be a stage 3, and we will work on that over the next period of time while stage 2 is being finalised.

Mr BROKENSHIRE: I have a supplementary question. Was the minister advised of the $257 million cost blow-out upon assuming the portfolio? If so, why did he seek to hide this by not advising either the parliament or the community?

The Hon. J.D. HILL: The member for Mawson should get his questions in the right order. That is the first question he should have asked me, because I answered that. I said that the Public Works Committee was informed. I said that the Premier, in statements that he made, said that there would be two stages. No decision has been made about the amount of money to be spent on stage 3. We have committed to stage 3. The only blow-out is in the egos of members on the other side.

NURSES, RECRUITMENT

Members interjecting:

The SPEAKER: The house will come to order. The Treasurer should be setting an example.

Ms RANKINE (Wright): My question is to the Minister for Health. Can the minister inform the house of the success of strategies implemented to recruit nurses to our hospital system and say whether there are any alternative strategies?

The Hon. J.D. HILL (Minister for Health): I thank the member for this question because I am delighted to share this information with the house. The government's record has been outstanding in relation to recruitment of nurses. In the three years to July 2005, the government has recruited an extra 1 349 nurses to our hospital system. In full-time equivalent terms, that is 874, but 1 349 actual people are now nursing who were not doing so three years ago. In total, the latest figures show that we have 12 453 nurses, or 9 206.7 full-time equivalents, in hospitals. When the government came to office, there was a shortfall of over 600 nurses in the system. Vacancies have been reduced by 400 or so. We have reduced the amount of vacancies in the system.

Upon coming to government, we established a four-year recruitment and retention plan and invested $2.7 million annually to fund a number of projects to solve the nursing crisis. In that, the government provided $950 000 for refresher and re-entry programs for 108 registered and enrolled nurses and midwives and supported 880 enrolled nurses to undertake the diploma of nursing, which is a post-enrolment conversion program.

Nurses in South Australia are also paid close to the best in the nation and have more flexible working conditions than in 2002. That last point is one of the main drivers for getting nurses back in, because they can work under conditions that best suit their personal needs. Under the opposition's policy the following has been promised. The opposition promised to provide nurse training for an extra 100 or more South Australians each year by funding an extra 45 nursing placements and enabling training nurses to complete a diploma of nursing while employed by metropolitan hospitals. Since 2002, the government has offered grants to the two universities for 40 new undergraduate nursing places over a three-year period from 2002 to 2004 and additional funding provided on a once-off payment to support the universities to internally realign to accommodate an additional 100 places.

We have also provided $82 000 for 44 nursing and midwifery positions in metropolitan clinical postgraduate scholarships and provided Adelaide University with $125 000 to develop a new undergraduate nursing course. That program commences next year. Current projections are that 663 nurses will graduate from university this year, an increase of 143 compared to 2002, and next year the government plans to employ 453 new nurse graduates in our health system. I am advised that there is currently no need to extend the country cadetship scheme to the metropolitan area. Demand for enrolled nursing programs through TAFE and private providers is high, and there is limited demand for extra enrolled nurses in the public sector at this time.

In addition, the opposition has promised to increase hands-on experience in hospitals as part of the clinical training for nurse students; provide part-time work for second and third year nursing students in public hospitals; and encourage universities to increase the level of mental health training for nurses. Currently, all nursing students receive hands-on training in various parts of our health system, including hospitals. Currently, the government employs third-year students part time in our health system but not second-year students. However, many of these students receive employment in the aged care sector, so it is already happening. The government has provided $138 000 for 16 nursing mental health postgraduate scholarships, including backfill for clinical placements, and in a $5 million agreement with nurses in September has committed to providing 10 new mental health nurse practitioners, mental health liaison nurses available 24 hours a day in all major metropolitan emergency departments.

It is outrageous for the opposition, especially for the former spokesperson on health, in his last hurrah, to make this new announcement when in his term he cut nurse numbers and he has done nothing positive in four years as the shadow minister.

INDUSTRIAL RELATIONS RALLY

The Hon. I.F. EVANS (Deputy Leader of the Opposition): My question is to the Minister for Industrial Relations. Did public servants who attended the industrial relations public rally last Tuesday do so in their own time or were they authorised to attend on full pay? The minister was asked on 4 July in the house whether public servants were authorised to attend on full pay a similar protest rally on 30 June 2005. On 4 July the minister replied:

> The advice I have received is that public servants who attended rallies did so in their own time.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I did not get all the detail of the question, but I think I got enough of it to understand what the shadow minister was asking. I would like to congratulate him on his elevation. For this to occur, government employees were to use existing entitlements and also, of course, for them to use existing entitlements they were not to disrupt service delivery. If both those things were given a tick, they were able to attend.

INDUSTRIAL LAW

Ms BEDFORD (Florey): My question is to the Minister for Industrial Relations. What are the basic requirements for South Australian workers in the metal and engineering industries for night shifts under our state work laws, and how will this change under the federal government's legislation?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I know that the honourable member has a long-standing commitment in this area. Our South Australian award safety net recognises that there is a difference between working at 2 p.m. and 2 a.m. and recognises that people need some certainty about their hours of work so that they can manage their responsibilities to look after their families. For workers in the metal and engineering industry, for example, the South Australian system of work laws says that if you work night shift there is a meaningful recognition of the difference between 2 p.m. and 2 a.m.

Under our system, if you are at work at 2 a.m. you deserve an extra payment (a shift loading) to compensate you for the effects on your family and, of course, your social life. If you enter a workplace agreement under our state laws, for it to be legal workers must be no worse off than under their award, so one way or another, workers on night shift must receive fair compensation for the disruption to their lives. However, under the federal legislation there is no difference between working at 2 p.m. or 2 a.m.; it is all the same. Under the Liberal legislation, South Australians will lose the right to fair compensation.

Families need certainty; our system of law recognises that. For example, in the metal and engineering industry our system gives workers an award right to a week's notice before they are moved against their will from day shift to night shift. Under our system, the award says that you cannot have your family's life turned upside down with no warning. However, under the Liberal legislation there is no protection against being told: 'From tomorrow you or on night shift.' The Liberal legislation gives working families no protection from having their lives turned upside down. Families depend on basic rights in our work laws. This is all about hard-working families going from the Australian award safety net to the Howard government gutter. We will continue to fight this Liberal attack on working families and, as has already been announced by the Premier and me, that will include High Court action.

INDUSTRIAL RELATIONS RALLY

The Hon. I.F. EVANS (Deputy Leader of the Opposition): My question is again to the Minister for Industrial Relations. Is the minister aware that the Premier authorised public sector workers to attend on full pay the public rally protesting against the federal industrial relations changes on 30 June and again on 15 November? A letter to members of the United Firefighters Union of South Australia dated 17 June this year from union Secretary Phil Harrison states in relation to workers attending these industrial relations rallies that:

> Greg Combet ACTU Secretary has written to the Premier Mike Rann and has been assured that all public sector workers can attend campaign activities in uniform and not be docked pay.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): The elevated Deputy Leader of the Opposition has already asked this question in another guise, and I have answered it. What I have already advised is that if government employees wanted to use existing entitlements and if attending these rallies did not disrupt service delivery they were able to do so. Might I say for those who were fortunate enough to attend, it was very illuminating to see thousands and thousands of people singing the Australian national anthem. It is a pity that there were not more state Liberals there, because I thought the state Liberal Party opposed this legislation which is being put forward by the Howard federal government.

The Hon. I.F. EVANS: I ask a supplementary question. Will the minister give an assurance to the house that the public sector workers who attended the rally did so using their entitlements only and did not receive full pay?

The Hon. M.J. WRIGHT: I do not think that is a supplementary question. To make it perfectly clear for the new Deputy Leader of the Opposition, I will say for a third time that public sector work force relations advised CEOs that if government employees wanted to use existing entitlements and provided they did not disrupt service delivery they were able to do so. So, for a third time I repeat the same answer to the elevated Deputy Leader of the Opposition.

The SPEAKER: I call the member for Enfield.

The Hon. M.D. Rann: Do you support the laws? Where do you actually stand on this? You supported the nuclear waste dump; where do you stand on the IR legislation?

The SPEAKER: Order! The Premier is out of order. The member for Enfield has the call.

Members interjecting:

The SPEAKER: Order! The house will come to order and then we can progress. The member for Enfield.

DISABILITY SERVICES

Mr RAU (Enfield): Will the Minister for Families and Communities inform the house of what measures the state government is taking to help disability organisations with minor capital works?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for his question. I know that many of his constituents call on the assistance of the state government for disability services. As part of the $92 million injection of funding in the last state budget, I am pleased to inform the house that a quarter of a million dollars has been set aside for minor capital works for a number of disability services agencies. That money is being spent on 20 different disability organisations that have received grants for a wide range of projects, including wheelchair lifters, airconditioning, bathroom and kitchen modifications, hot water services, electric beds, personal alarms and roller shutters. I will mention just some of them.

The Wilde Retreat at Warooka on the Yorke Peninsula will receive funding for a beach wheelchair designed to travel on soft ground and uneven terrain so that people with a disability can experience beaches, parks and trails with easy access. The Tullawon Health Service at Ceduna will receive money to buy a commuter bus. The Kura Yerlo organisation in the western suburbs will receive $8 000 towards a wheelchair lift for a bus. The accommodation provider Leveda will receive $20 000 to renovate a group home at Campbelltown, with airconditioning, a verandah area, floor coverings and emergency call system. A day options service in Murray

Bridge will receive funding to replace worn and damaged carpet with new floor coverings.

Adelaide's Restless Dance company will receive $10 000 to go towards a sprung floor for its performers. Restless Dance company are well worth a look, if members have not had the opportunity to see them perform. Hills Community Options at Mount Barker will receive $10 600 for an induction cooktop for use in one of its group homes, to specifically cater for a client who has no sensitivity to heat and is prone to touching hotplates. Ain Karim will receive $13 000 for equipment, including for its new group homes at Enfield, that I was very pleased to announce the opening of on 11 November. An amount of $10 000 will be provided to the Individual Supported Accommodation Service at Alberton for fitting out two new group homes with security, airconditioning, window coverings, carpets and other small items. These small grants are aimed at improving services to people with a disability so that they can maintain independence and remain active in the community. Many of the people who will benefit from these grants need specialised equipment to carry out daily activities many of us take for granted. As I said, this is a crucial albeit small part of the $92 million funding we announced in the last state budget.

INDUSTRIAL RELATIONS RALLY

Ms CHAPMAN (Bragg): My question is to the Minister for Education: were teachers who protested against the federal government's industrial relations changes paid for the time spent protesting, when the teachers who protested against the wage offer made by the Rann government were docked pay for the time away from their school? The AEU ensured paid release for a number of teachers who attended the federal IR rally last week and the AEU web site states:

> Discussions are taking place with DECS and DFEEST to ensure paid release for sub-branch secretaries and workplace representatives to attend the hook-up and to march to Parliament House.

No such accommodation was made for those teachers who protested against the state government.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I am happy to take that question. As I have already answered, provided that operational requirements are maintained, employees have every right to use their existing entitlements. If the member for Bragg is comparing this rally to the strike that was taken by the teachers, she needs to have a lesson on industrial relations.

CHILD PROTECTION TRAINING

Ms CICCARELLO (Norwood): My question is to the Minister for Education and Children's Services: what is the government doing to meet its legislative responsibilities in child protection training?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): Can I thank the member for Norwood for her question. I know she has a keen interest in education in her constituency and is pleased by the progress we have made in child protection issues, because we cannot afford to stint in this area and could not have left the situation we inherited 3½ years ago. The government's Keeping Them Safe child protection reform agenda has been comprehensive, unrelenting and continues to play a major role in the way we deal with children in a day-to-day manner in our schools. I was very pleased today to launch yet another initiative in the education portfolio that continues the reforms set in place by the Layton report badged Keeping Them Safe.

From the beginning of next year, every person who works in state schools or preschools will be given updated training in their roles as mandated reporters of child abuse. That will amount to 25 000 individuals, including everyone from the groundsperson to the principal. They will receive training over the course of the year, in each case amounting to one whole day. Last year, as members know, we made it compulsory for all South Australian teachers to have proof of mandatory notification training upon registration and on re-registration at each three year interval. We have subsequently trained 150 people to deliver mandatory notification training to all staff at each of our state's public schools and preschools. In addition, volunteers are also invited to attend these courses.

This training was announced at a forum today of 300 people badged 'SMART' (Strategies for Managing Abuse Related Trauma). This program is part of a $2.1 million strategy, with the department working together with the Department of Families and Communities to deliver programs in pioneering reforms in our schools and preschools. This builds on a strong record of achievement over the past three years. We have not only introduced strong laws for teacher registration that have put South Australia at the forefront of national change but we have also funded criminal history checks for each and every person who wishes to teach in our schools for the first time in our state's history. In addition, we have updated the 20 year old child protection curriculum (which was badged 'Stranger Danger'), with the knowledge that strangers are not the predominant cause of concern in a child's life and that they are more at a risk from those people whom they know and trust.

In 2005, nearly double the number of schools have access to a primary counsellor compared to 2002. It has been a priority to clean up the mess that we inherited 3½ years ago and put in place a clear policy agenda to make up for the void that we found.

TRAM EXTENSION

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Transport. When the minister signed off on the Glenelg tram extension, what was his understanding of the impact it would have on the travel flow along King William Street and North Terrace? Industry sources have advised that there will be a significant loss of traffic flow along both King William Street and North Terrace, with a 20 to 30 per cent reduction at the intersection of King William Street and North Terrace. They say that this is a consequence of the loss of one lane each way on both North Terrace and King William Street and an additional traffic light sequence for trams turning across the intersection.

The Hon. P.F. CONLON (Minister for Transport): Sir, when people talk about 'anonymous industry sources', you always have to be very careful. When a source is not identified, you must be very careful about it. Certainly, there is no doubt that running trams from the centre of the city to North Terrace and connecting up our rail system for the first time has challenges. It also has great opportunities. It is frustrating to me that the Liberals have got together in an attempt to prevent our taking the tram off Victoria Square and giving 6 000 square metres of parkland back to the square—a very positive thing. There is no doubt that the Department of

Transport has done a lot of work on traffic management with the trams, to the extent that I am very comfortable with—

The Hon. R.G. Kerin: That's not what they are telling us.

The Hon. P.F. CONLON: It is not what they are telling you. I am sure they are telling you a lot, Kero. He is sitting next to the new deputy leader, who has not so much had an elevation as he has moved to a transit station. Just waiting for 19 March, that is what Ian is doing. The truth is that, in the democratic protections we have, a report will go to the Public Works Committee, and no doubt Liberal members of that committee will be able to ask all the questions they want about traffic management. However, I have every confidence that this will be well handled by the Department of Transport. I do look forward to the Liberal candidate for Adelaide campaigning against these trams which allow us the opportunity to take the tram (which Duncan McFetridge, the member for Morphett wanted) to North Adelaide. It is a very funny thing that these people want it to go to North Adelaide but not to North Terrace so it can get there. It is a very strange thing. But I look forward to the Liberal candidate campaigning against the member for Morphett's tram extension.

The Hon. R.G. KERIN: I ask the Minister for Transport this question: given that the government no doubt will stop the Public Works Committee from meeting, will the government release the traffic modelling that has been undertaken by Transport SA as claimed in the brochure recently released?

The Hon. P.F. CONLON: There was a big comment in that question that we would stop the Public Works Committee from meeting. We will not.

NATIONAL TRAINING AWARDS

Mrs GERAGHTY (Torrens): My question is to the Minister for Employment, Training and Further Education.

The Hon. P.F. Conlon interjecting:

Mr Williams interjecting:

The SPEAKER: The Minister for Transport and the member for MacKillop are out of order. The member for Torrens.

Mrs GERAGHTY: What national recognition has South Australia achieved for its apprenticeship and trainee system?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I thank the member for Torrens for her question. In September the National Centre for Vocational Education Research reported that South Australia had recorded its highest number ever of apprentices and trainees. The report showed that there were 34 600 apprentices and trainees in South Australia. This was 8.1 per cent higher than at the same time last year. Nationally, the number of apprentices and trainees fell over the same year by 3.8 per cent, so I am very pleased to see that we have strong growth in these numbers.

This was also matched by our outstanding results at the national training awards in Perth last week. South Australia's entrants in what are the most prestigious training awards in Australia succeeded in winning four national titles, including National Apprentice of the Year. This is the third time in a row South Australia has taken out that top award. Overall, South Australia provided more than one-third of this year's national award winners—four out of 11—which is a fantastic achievement and a great endorsement of the quality of our vocational education and training system.

I was particularly pleased to present Christine Stock, a final year mechanical engineering apprentice from Seacombe Gardens, with her award as Apprentice of the Year. She is an excellent role model for young women, particularly those wanting to enter the traditional trades. I was particularly pleased that a woman won this award and am heartened that the most recent NCVER report shows that South Australia significantly outpaced the national growth in female apprentices and trainees with growth of 8.7 per cent over the previous year (and this contrasts with a fall, unfortunately, in the national rate).

Christine's win capped off the night for South Australian finalists. One of the other winners was Robert Fielding, who won Aboriginal and Torres Strait Islander Student of the Year. It would have been very hard to decide the winner from all the entrants in that particular category, and the work being done by indigenous workers in Australia is quite inspirational. Kylie Fleetwood was the Trainee of the Year—again, another inspiring young woman, who has decided to work in the child care area and who is interested in becoming a children's author. The public sector was also well represented, with victory as the Small Training Provider of the Year by the Organisation and Professional Development Services of the Department of Education and Children's Services, and we were very proud of the effort of that group as well. I am sure members in this house will support me in acknowledging the fine job done by TAFE SA, which trained at least two of South Australia's finalists.

TRAM EXTENSION

The Hon. R.G. KERIN (Leader of the Opposition): My question again is to the Minister for Transport, and I hope I have better luck this time. Why did the minister sign off on trams without knowing what the power source would be and the cost implications of electrification? On 6 April 2005 the minister told the public, via radio talk-back, that trams would be 'most sensitive to what we believe is a beautiful city'. He was then asked whether the trams would have overhead power or electrified tracks. The minister replied:

> I am assuming it would have electrified tracks, but I'm going to have to get back to you on that.

The Hon. P.F. CONLON (Minister for Transport): I will give the Leader of the Opposition an ironclad guarantee that our electric trams will run on electricity. Call us wild and crazy, but we reckon the best way to run electric trams is on electricity. I am going out on a limb here! There was a suggestion that we could make Makybe Diva pay for the statue by drawing the trams for a while, but we think that is most unfair.

The Hon. R.G. KERIN: I have a point of order on relevance, sir. The question was whether or not the source would be wires or rails.

The Hon. P.F. CONLON: I am happy to conclude my answer. As has been public knowledge for some considerable time, it would be a single overhead wire. Further, in order to provide full details, the suggestions made today about the traffic management disasters are wrong. as is the suggestion that the Public Works Committee will not sit on this matter. Before coming here today, I had a conversation with the chair of the Public Works Committee to see how we can get a time to get a report to Public Works. It will see it all, and members opposite will see that they are wrong so far on all three counts.

INDIGENOUS LAND USE AGREEMENTS

Ms BREUER (Giles): Will the Attorney-General inform the house of any recent progress in the statewide indigenous land use agreement negotiations?

The Hon. M.J. ATKINSON (Attorney-General): I can inform the house because yesterday I journeyed to the Gawler Ranges to witness, and indeed participate in, the signing of yet another indigenous land use agreement—the fourth for the mining industry and the ninth overall. The agreement is especially important because it is the first of a series of ILUAs that focus on the resolution of a particular claim. The Gawler Ranges mineral exploration ILUA covers a highly prospective region of 34 000 square kilometres in the Gawler Craton area. It has brought together two important Aboriginal communities—the Kokatha and the Banggarla; collectively, the Gawler Ranges claim group—who, with the Aboriginal Legal Rights Movement, have negotiated with the mining industry and the South Australian government an outcome that is satisfactory to all.

This successfully concluded ILUA will provide the Gawler Ranges claim group with benefits which will help them establish a sound economic base for their communities. Furthermore, it forms the basis for further negotiations in the pastoral arena. It was nice to be in an electorate such as Flinders, which, of course, is very likely to change hands at the next election. Negotiations about the Gawler Ranges and Lake Gardiner national parks are also contemplated.

Indigenous land use agreements provide a practical means of resolving native title matters. Agreement making, rather than litigation, has been the linchpin of the statewide ILUA policy in South Australia since 1999. The policy was embraced by the incoming Labor government in 2002. It would be remiss of me not to record the enormous contribution to the process of indigenous land use agreements of the former Solicitor-General (the late Brad Selway) and the former Attorney-General (Hon. K.T. Griffin). The vision of these two men, and the support given to that vision by their successors, has put the state in the excellent position we are with native title today, leading the commonwealth in the resolution of land use issues.

ATTORNEY-GENERAL

Ms CHAPMAN (Bragg): Is the Attorney-General aware that the member for Florey arranged through Telstra an unwelcome calls bar to prevent the Attorney-General from continuing to make harassing telephone calls to her?

The Hon. M.J. ATKINSON (Attorney-General): I think in this parliamentary term I have spoken to the member for Florey twice.

Members interjecting:

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

PARENT+PLUS PROGRAM

Mr O'BRIEN (Napier): My question is to the Minister for Families and Communities. What are the latest developments in the government's support for parents in vulnerable families?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the member for Napier for his question. I am pleased to inform the house that a South Australian program which helps vulnerable families reconnect has been recognised at a national child protection awards presentation. Good Beginnings Australia—a national parenting program which helps vulnerable families—received a high commendation at the 2005 National Child Protection Awards for a program called Parent+Plus. The Parent+Plus program started at the Children, Youth and Family Services district centre at Salisbury and now operates in several CYFS district centres in South Australia. Parent+Plus recently received a $120 000 grant from the state government, because it takes an innovative approach to strengthening families. When a child is removed from its family because of care or protection issues it is obviously a very tense time for everybody involved. The Parent+Plus program brings those families where the children have been placed in alternative care together in a safe and relaxed way. This program connects the families through activities and play, and it helps create happy memories for parents and children and gives them a positive platform from which to take the next step.

Good Beginnings Australia was recognised in the Community Development Capacity Building and Strengthening category of the awards, which were presented at Parliament House in Canberra. The acknowledgment comes after Parent+Plus won the Children's Week Play Award in last month's South Australian Children's Week awards. Before the families come together through Parent+Plus, the mums or dads receive some guidance on important parenting issues including nutrition, child development, hygiene and budgeting. They then have the opportunity to put what they have learnt into practice in a playgroup setting in a supervised fashion. Afterwards, the parents also have the chance to chat to the group leaders and other experts about the experience that they have just had. A 90-minute group session aims to build the confidence of parents and the child.

Sometimes parents in this situation may have low self-esteem when it comes to interacting with their children, and this may cause tension and anxiety for everyone when they are together. The Parent+Plus program encourages the parent to try new approaches with support. Instead of the parents and children meeting in an office, they now come together in an informal and fun environment. This is just another example of how child protection workers in this state are being creative and sensitive about the way in which they go about protecting our children.

ATTORNEY-GENERAL

Ms CHAPMAN (Bragg): Has the Premier at any time, since he became aware of the allegations about bullying behaviour by the Attorney-General, had a discussion with the member for Florey about the Attorney-General's behaviour towards her?

The Hon. M.D. RANN (Premier): You just crashed and burned on your last question. You crashed and burned on your big leadership challenge, and I don't discuss my conversations with anybody with you.

Ms CHAPMAN: I have a supplementary question. Is the Premier aware that on 24 October the member for Florey phoned Telstra and arranged for a bar to be put on the phone calls from the Attorney-General to her?

The Hon. M.D. RANN: No, I am not aware of that.

Ms CHAPMAN: I have a further supplementary.

The SPEAKER: Order! It is against standing orders to ask the same question of a different minister. This will be the member for Bragg's fifth supplementary.

Ms CHAPMAN: Did the Premier at any time tell the member for Florey to not speak to anyone about the allegations that the Attorney-General—

The Hon. P.F. Conlon: Split infinitive.

Ms CHAPMAN: As if you'd know. You couldn't spell it.

The Hon. M.D. RANN: Once again, you have been misled.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

Mr WILLIAMS (MacKillop): My question is also to the Premier. Premier, given that on 8 November this year you told the house that it was through evidence given last month to the select committee into the Atkinson/Ashbourne/Clarke affair that you first learned of allegations that the Attorney-General had bullied two of his Labor colleagues, did you subsequently make any inquiries as to the veracity of those allegations, and what actions have you since taken?

The Hon. M.D. RANN (Premier): I have answered these questions before.

Mr WILLIAMS: I have a supplementary question.

The SPEAKER: This will be the sixth supplementary.

Mr WILLIAMS: Premier, can you assure the house that no member of your party has been pressured by the Attorney in any way on any matter to such an extent that the police have been contacted?

The Hon. M.D. RANN: All I am aware of is that I am constantly in the Attorney-General's prayers.

Mrs REDMOND (Heysen): Did the Premier seek any legal advice before sacking Randall Ashbourne? Has the Premier, or anyone representing him or the government, had discussions with Mr Ashbourne or his advisers with a view to settling his claim? Mr Ashbourne is currently seeking damages for wrongful dismissal which could expose the taxpayer to an expense of many thousands of dollars if successful.

The Hon. M.D. RANN: I will get a report for the honourable member sine die.

DIRECTOR OF PUBLIC PROSECUTIONS

Dr McFETRIDGE (Morphett): My question is to the Premier. Has the Director of Public Prosecutions written to him expressing concern about the actions of some of the Rann government's advisers, and in particular Mr Rann's senior adviser Ms Jill Bottrall? On several occasions, the opposition has received reports that the Premier's and Attorney-General's staff have leaked confidential correspondence from the DPP and aggressively lobbied journalists to attack him?

The Hon. M.D. RANN (Premier): I cannot remember ever seeing Ms Bottrall's name mentioned in a letter.

RODEOS

The Hon. G.M. GUNN (Stuart): My question is to the Minister for Environment and Conservation. Will he assure the house that the government of South Australia will continue to support the operation and running of rodeos in South Australia? People conducting rodeos are most concerned as the principal officers have to obtain a permit from the minister's department to operate these very popular and successful community organisations—

The Hon. M.J. Atkinson: There's the clue.

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

The Hon. G.M. GUNN: I am just waiting for the Attorney for once to show a little decorum. These particular people who operate these rodeos are concerned that they may be the subject of unreasonable and inappropriate legal action. Can the minister assure the house that all steps will be taken to protect these people, because the organisations raise large amounts of money for worthwhile organisations such as the Royal Flying Doctor Service?

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank the member for Stuart for his question. A number of rodeos are held in South Australia each year. I think that the season is underway now. It starts in late September and goes through to January-February. As the member said, they are run for community-based purposes and put funding into local hospitals, local charities, sports clubs and the like, and they provide considerable enjoyment to local communities. On the other hand, others in the community think that unnecessary pain and suffering is inflicted upon animals during the conduct of rodeos.

One recently created some notoriety as a result of a couple of incidents that happened at a rodeo. I understand that there is a court case occurring about that particular rodeo. It is my responsibility as Minister for Environment and Conservation to give approvals to rodeos, provided that the application is in accordance with the national standards that were recently upgraded. I have delegated my authority in that regard to the head of the department who, as a matter of course, has checked them out and given approval. The other factor we take into account is to ensure that there is a vet present at each of the rodeos and, if that occurs, then they are given approval.

We have no intention not to allow rodeos to occur. Obviously, the animal welfare issues are looked at from time to time and what is allowed at a particular time may not be allowed in the future. One issue that seems to cause most concern is the use of an electric prod. As long as that is done for health and safety issues and for animal welfare issues, that is okay. If it is used to startle or stimulate the beast to buck, it would be an improper use of it, but as long as rodeos are conducted in accordance with the law there is no intention by the government to change the rules.

HEALTH HOTLINE

Mr BROKENSHIRE (Mawson): My question is to the Minister for Health. When will the government instigate the 24-hour health hotline it promised in 2003 in a bid to ease the pressure on hospital emergency departments? The 24-hour health hotlines have proved to ease the pressure on emergency departments interstate, and the government promised that South Australia would have one 2½ years ago.

The Hon. J.D. HILL (Minister for Health): I thank the member for Mawson for his question in relation to supporting GPs. As he and others would know, we do need more GP services in South Australia, as reported on the front page of today's *Advertiser* outlining some of the problems we have with the distribution of general practitioners in South Australia as a result of a range of issues primarily within the field of the federal government. What the state government has attempted to do is provide some incentives to help get GPs into areas where they are required. A real package has been put in place that substantially addressed some of those

concerns. In fact, the head of the rural doctors told me it was the benchmark against which all other services in Australia are being measured.

Mr BROKENSHIRE: On a point of order, it is very interesting but I have actually asked the minister when the instigation of the 24-hour health hotline will occur.

The SPEAKER: The member does not need to repeat the question. The minister needs to answer the question.

The Hon. J.D. HILL: I was explaining why we need a hotline and what the government had done to address the issues that the hotline is also meant to address. I can inform the house, as I informed the media the other day, that we are in negotiation with the commonwealth government on this issue and I am hopeful of getting a very positive outcome shortly.

PROVINCIAL CITIES, TRANSPORT

The Hon. I.P. LEWIS (Hammond): My question is to the Premier. Will the people of the Murray Bridge community and those of the other provincial cities of South Australia get the same public service transport as is provided to the people of Mount Gambier, or not?

Members interjecting:

The Hon. P.F. CONLON (Minister for Transport): I've lost my Jack Russell: they've taken him away!

Mr Williams interjecting:

The Hon. P.F. CONLON: If the member for MacKillop thinks I have made anything up, he can feel free to enjoin the issue by way of a privileges motion. I invite him to do so. I am confident that everything I have said has been, as usual, accurate and informative. And eloquent. The question is a serious one about public transport in provincial cities. After unilateral withdrawal by some of the provincial cities of support for their own bus services, the process has been to talk to the provincial cities over time and reach an agreement with them to hold a review of services in each area. The review of services in the Mount Gambier area was done with the participation of the Mount Gambier council and a conclusion was arrived at.

A review was done in Murray Bridge, and the Murray Bridge council—for its own reasons, as it is free to do—elected not to have a review of the outcome. The service that it recommended was the one which had been recommended to us as a result of the review. Whilst it may not be exactly the same as the service in Mount Gambier, it is very similar to services in other regional areas. I am sure it is the same as the one they run in parts of Gawler. So, whilst it is not the same as the service in Mount Gambier, I do not think one regional service is the same as others, but it is the result of an agreed process between us, the LGA and Provincial Cities following the withdrawal of the unilateral support for buses by some of those councils.

MILLBROOK RESERVOIR

Mr GOLDSWORTHY (Kavel): My question is to the Minister for Administrative Services. What works are planned for the repair of the Millbrook Reservoir wall? Last year, supposed leaks were discovered in the reservoir wall, and the government undertook to investigate the matter and advise the community about what action it intended to take.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I would like to thank the member for this very important question, and I also thank the Premier, because he was the first one on the spot when we were given the very disturbing news about the Millbrook Dam. Unfortunately, I was on leave at the time, but the Premier was kind enough to fill in for me. I can announce to the house that work will be undertaken. I am doing this from memory, but I think there has been a commitment of $8.5 million by the government to ensure that the Millbrook Dam is repaired. This will be a very important project. Obviously, we hold dam infrastructure incredibly important, and the expenditure of this $8.5 million on the reservoir at Millbrook is for a very worthy cause. The honourable member was very much interested and involved when we were given the news, so I say to him—I am doing this from memory—that I think this project will commence later this year.

EXPORTS, FOOD

Mr VENNING (Schubert): Is the Minister for Agriculture, Food and Fisheries aware of the huge drop in export food sales since the Labor government came to power in 2002; will the minister agree that South Australia is nearly $1.5 billion behind the target set by the previous government; does the minister agree there is a problem; and what is the government going to do about it? South Australian export food sales have slumped alarmingly and prospects are poor. Many of our industry people are most concerned. A very prominent South Australian who lives in my electorate has resigned from the Premier's Food Council.

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I thank the member for his question and acknowledge the fantastic contribution that Maggie Beer has made over many years. I hope that in his question the honourable member was not in any way reflecting badly on Maggie.

Mr BROKENSHIRE: On a point of order, Mr Speaker, the minister should withdraw that remark. The member for Schubert made no reflection upon that person.

The SPEAKER: Order! The minister did not reflect on her; he is just stating what he believes to be the fact. The minister.

Members interjecting:

The SPEAKER: Order! The minister was not reflecting on her. The Minister for Agriculture.

The Hon. I.F. EVANS: Mr Speaker, the minister imputed an improper motive to the member for Schubert. The member for Schubert did not reflect on the constituent, so we ask the minister to withdraw.

The SPEAKER: Order! The member who takes offence should ask the minister to withdraw, not someone else. The minister has the call.

Mr VENNING: I ask the minister to withdraw that comment. I deliberately did not name that person and did not reflect on her in any way. The minister just has, and he has imputed improper motives to me. I ask the minister to withdraw.

The SPEAKER: Order! The minister has not transgressed; he has merely said that he trusts that there was no negative inference in relation to Maggie Beer. The minister has the call.

The Hon. R.J. McEWEN: Mr Speaker, in his own sneaky way the member for Schubert quite clearly was referring to Maggie Beer in that question.

Mr VENNING: On a point of order, Mr Speaker, the minister has just imputed further improper motives to me.

The SPEAKER: Order! Does the member for Schubert have a point of order?

Mr VENNING: The minister said 'in my sneaky way'. He is imputing improper motives to me.

The SPEAKER: Order! The minister should withdraw the reference to 'sneaky'.

The Hon. R.J. McEWEN: I am happy to withdraw that, sir, and indicate that the substance of the question was quite clear. Maggie Beer has been quite public in terms of her resignation and quite public in terms of the fact that she wishes to go on and champion as a leader in this state in terms of value adding to our commodities. Can I turn to the substance of the question?

Mr WILLIAMS: I rise on a point of order, Mr Speaker.

Members interjecting:

The SPEAKER: Order! It is impossible for the chair to hear what is going on with the raucous—

Mr WILLIAMS: That is a pity, sir, because I thought I heard you instruct the minister to withdraw, and I did not hear the minister withdraw.

The SPEAKER: I suggested that the minister should withdraw the reference to the member being sneaky. I am told he did, but it is impossible to hear up here.

The Hon. R.J. McEWEN: Last week in a grievance debate the member for Schubert actually totally misrepresented what was happening in the egg industry, so immediately after his grievance I went to his office and presented him with a copy of the McKinna report so that he would read it, hoping that he might then come back into the place and correct the record. What I will do now is provide the member with a full briefing—

Mr BRINDAL: I rise on a point of order, sir. The claim that any honourable member misrepresented himself in this house is again to impugn improper motive and, despite your rulings, sir, the minister does not have the wit to understand what he should be contributing in debate.

The SPEAKER: Order! The member for Unley is reflecting on the minister and behaving in a way that he is trying to decry.

The Hon. R.J. McEWEN: It was because the member had chosen not to read the report and inform himself ahead of coming into this house that I paid him the courtesy of providing him with the report. Equally—

Mr VENNING: Sir, he is again imputing an improper motive. I read that report before I asked the question.

An honourable member interjecting:

Mr VENNING: I had seen it.

The SPEAKER: Order! That is not an imputation of an improper motive. Minister, have you concluded your answer?

The Hon. R.J. McEWEN: Equally, I will provide the member with the full report because, when he reads the report, he will actually see that exports are growing, but not at the 10 per cent.

Members interjecting:

The Hon. R.J. McEWEN: It seems that I need to provide everybody opposite with the report—and I will do so.

MINISTERIAL STATEMENTS

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I seek leave to lay on the table two ministerial statements from the other place, one relating to industry assistance and the other to the Yellabinna Reserve.

The SPEAKER: The minister does not need leave; we have accepted them, anyway.

GRIEVANCE DEBATE

MEDICAL STUDENTS

Ms CHAPMAN (Bragg): Today I wish to highlight to the house an important initiative that has been generated by a combination of efforts by the University of Adelaide Medical School and representatives of the medical profession, members of the AMA, parents of students who have in the past been excluded from study at the University of Adelaide, and others. The house may well be aware that this has been an issue of concern to the opposition for some time. Indeed, we see year after year that students are excluded—even with the most outstanding academic achievement throughout high schools—from studying at our medical schools in South Australia. This has caused great concern in the community.

We see time and again South Australian students who are excluded here and yet are given an opportunity to study at universities in other states. We know that fundamentally the problem that arises in not addressing this issue is that students study interstate, stay interstate and do not return to address the needs that we have in South Australia.

The SPEAKER: If the Minister for Agriculture and the members for MacKillop, Morphett and Mitchell took their seats we might be able to hear what the member for Bragg is trying to say.

Ms CHAPMAN: Thank you, Mr Speaker. This is an issue about which we were concerned and, indeed, I asked questions of the Minister for Employment, Training and Further Education in May 2004. When I raised the issue with the minister, she indicated that a working party had been convened between the Department of Further Education, Employment, Science and Technology and the Department of Human Services. In particular, her comments included 'reviewing a number of matters, including South Australia's year 12 performance in the University of Adelaide selection process for admission to undergraduate medicine'. Subsequent to that, having received no further information from the minister, I wrote to her on 4 April this year asking about the progress of the working party—whether it had been convened, was meeting, had made any deliberations, etc.—and requested that I be provided with a copy of any report that it issued, assuming that it had done anything at all.

I also sought confirmation as to whether any options had been discussed with the health minister, in particular, whether any discussions had been held by the University of Adelaide and Flinders University concerning improving the number of medical graduates taking up positions in South Australia. Also in that correspondence, I outlined to the minister a number of aspects in relation to an interview technique and the UMAT exam, which is undertaken by students who apply for entry to the University of Adelaide Medical School and also aspects in relation to their rejection and the validity of the UMAT testing process. Of course, there are some considerable and persuasive arguments as to how flawed that may be. I will not traverse those again today, but what I have brought to the minister's attention is that it was important that this situation be remedied, because a direct consequence was

that high achieving and academically gifted South Australians were being rejected by the University of Adelaide.

One report on the 2004 Adelaide Medical School intake showed that only 6 per cent of young South Australians who applied to study medicine at the University of Adelaide were successful. That is the background to the matter. We have had no response directly from the minister. I am pleased to see that, after our negotiations, we have had confirmation from the University of Adelaide. In particular, Dr Lecamwasam has written to me confirming that he has had confirmation from Professor James McWha, the Vice-Chancellor of the University of Adelaide, in relation to the reforms that have now been publicly announced in relation to the admission criteria, including UMAT scores for South Australian applicants being adjusted in order to bring them in line with the national average and offering interviews in January for applicants who achieve perfect TER scores. Mr Speaker, I seek an extension of one minute based on the interruption and your having to call the house to order.

The SPEAKER: I think the member can have half a minute extra because of the interruption.

Ms CHAPMAN: Thank you, sir. Other reforms include: increasing the number of places for applicants wishing to transfer from other first year Adelaide university science courses, and greater emphasis to an applicant's TER in the ranking process. I commend the university and all medical professionals who are keen to ensure that there is reform in this area. We have started that progress, and with the support of the Liberal opposition and the initiatives that have been announced recently, hopefully that will ensure that at least 10 more South Australians qualify every year to undertake a degree in medicine.

CHRISTMAS PLAY

Mr RAU (Enfield): I want to say a few words, because I might not get another opportunity towards the end of this parliamentary session, as we only have a couple of weeks left. It occurred to me that, at this time, we should be trying to bring a bit of joy and happiness into one another's lives. It seemed to me that a good way to do it would be for members of the opposition to put on a play for members of parliament. Sir, I was thinking in particular about this when I looked at the three members who sit to your immediate left in the back row, and about what a wealth of experience they have and how well they would go in some sort of theatrical performance. In fact, the thespian qualities of members of the opposition are much underrated.

I initially thought perhaps of some sort of play based around the Holy Trinity, but it would be extremely difficult to cast, so I decided to move on. I then thought, 'What about a nativity scene?' After all, that involves more players and there are men and women, and perhaps we could again have the three gentlemen in the back corner as the three wise men. But of course that would be a very tough casting job, so I moved on from that. I thought, 'What about the three musketeers?', but no-one knows who Athos, Porthos and Aramis are, except for aftershave, as far as I am aware, so there did not seem much point in that. The three stooges then sprang to mind (Moe, Larry and Curly), but again that would be a little unkind given that it is Christmas time, and it would not really be appropriate for people of that degree of dignity to be performing those sorts of roles.

So, in the end, I settled upon the Wizard of Oz, because it is actually a political parable written towards the end of the 19th century in the United States, and some of the characters are based upon people such as Grover Cleveland and I think a few other presidential hopefuls at that time—Mr Bryant and various others. Also, it affords an opportunity for many more members of the opposition to be cast. First, there are the fairly minor roles of Uncle Henry and Aunt Em, and obviously there are people with rural constituencies who would fit well into the Uncle Henry role. It is not a big role and would not take a lot of time to learn the lines. Aunt Em is a bit hard to cast, and I am struggling with that. We then have the Wicked Witch of the East, and I do not want to cast that and will leave it to members of the opposition to work it out. Then there is the reasonably short role for the Wizard, and I had in mind perhaps the member for Schubert or the member for Unley, both of whom would enjoy that role. That then leaves us with the four main characters who need to be cast. The first of those is Dorothy, and obviously the member for Newland springs to mind, but perhaps even the member for Bragg might be an appropriate person to be cast in that role. That leaves the remaining three roles, and it brings me back to the corner again. We have the Tin Man. My initial bias was towards one of the new folk in the back row and it was difficult to pick one appropriate for the role but, in the end, I have gone for the member for Finniss.

Mr Snelling: He doesn't have a heart.

Mr RAU: Well, people know the story and they can work it out. The next problem is: who would be the appropriate person to be cast as the Lion? Initially, I thought of the member for Waite, but one of the few things that he does have in spades is courage, so I decided that he would not be appropriate, and after much thinking I decided to cast the member for Bright in that role, as he is leaving us in a few weeks and in the process missing out on a fairly tough electoral contest. That, of course, leaves the Scarecrow, which is really the toughest call of all because there are so many potential candidates. In the end, I chose the member for Waite as the appropriate person for that role. So I do hope that the members of the opposition take this up. It could be a great Christmas theme for us to finish on, and it would take some attention away from all of the trauma and difficulty they have been experiencing over the last few days. It would brighten things up and it would be a nice way to finish this parliament. I hope they consider this, and I would certainly be happy to buy a ticket.

KERR, Mr F.

Dr McFETRIDGE (Morphett): I would like to pay a tribute to a great South Australian who died on 9 October this year, and that was Fred Kerr. Fred Kerr was a champion of the Emergency Fire Service (later the CFS), and anyone who met Fred liked him. He was a terrific bloke, and it is sad to see that he died on 9 October this year, aged 90 years. It is good that he passed away peacefully. Fred had an AM, as a small sign of the huge amount of work he did with the South Australian Fire Service and the Emergency Fire Service. Fred was born on 11 May 1915 and did his schooling at Port Adelaide. He joined the South Australian Fire Brigade in Adelaide in 1936 as a fireman at the age of 21 years. After seven years at SAFB headquarters, where he graduated as a station officer and associate fire engineer, he was appointed officer in charge of the fire station at the Penfield Explosives Factory. He served there during 1943 to 1946.

Following three years of service at the SAFB station at Glenelg, Fred was appointed Director of Emergency Services

in 1949. The offer of this position was made on the basis of his qualifications and experience. He was a founding SAFB instructor in the South Australian Emergency Fire Service from 1939. As director of the Emergency Fire Service (EFS), Fred acted on many fire protection bodies—notably, as a member of the Bushfire Advisory Committee. He was the first chairman of the South Australian Fire Prevention Week Committee and chairman of the working party to report on the proposed reorganisation of the Country Fire Service. While it did not have a statutory function, the plan formulated by Fred as a result of the Black Sunday fire in 1955 was used as a model for the State Disaster Committee for disaster operations. On 15 July 1975 State Cabinet approved the formation of the State Disaster Committee to prepare a state disaster plan and form a state disaster organisation. Fred was an integral part of that work and that organisation.

On 14 June 1977, Fred became the first director of the Country Fire Service, and also the board's executive director responsible for the establishment of the new Country Fire Service headquarters built at 20 Richmond Road, Keswick. This complex was officially opened by the deputy premier, Mr J.D. Corcoran MP, on Friday 20 October 1978. By parliamentary direction to honour Fred for his long service and the reorganisation of the Country Fire Service, this fine building was named the F.L. Kerr Building.

Fred retired from the CFS on 30 June 1979 at the age of 64, after giving 43 years service—39 as director to the CFS. On his retirement, the CFS was a unified body of 456 organisations, about 11 000 registered volunteers throughout the state, with a radio network of 155 base stations and 1 000 multichannel mobiles and portables. Fred organised the standardisation of fire drills, couplings, hoses, training competitions, uniforms and badges, the understanding and reading of maps, and crew safety designed appliances.

Other facilities, as well as the modern headquarters, were the Mount Lofty Training Centre, where training was conducted in scuba (self-contained breathing apparatus).

Mr Caica interjecting:

Dr McFETRIDGE: Now known as CABA. I appreciate the help from the member for Colton. I know as a firey he would appreciate Fred's valuable contribution to fire safety in South Australia. Fred also helped to organise aerial fire patrols, hazchem training, insurance for volunteer firefighters, the 24 hour public call telephone service and the CFS volunteer manual, as well as the Major Fire Disaster Plan. Also, Fred was active in the research and fire protection division.

The EFS (now the Country Fire Service), which Fred Kerr established, and the dedication and loyalty of the volunteers whom Fred has inspired since 1939, are testimony to his legacy and what the volunteers thought of Fred. Vale Fred Kerr.

CHRISTMAS SHOPPING

Mr SNELLING (Playford): Every year for the past four years in the last weeks of the sitting of the parliament before Christmas, members of the opposition decry the fact that the government has provided shop assistants with a break over Christmas, saying that South Australia is behind other parts of Australia and other parts of the world because we close our shops for two, three or four days over the Christmas period. This opposition to shop assistants having a break was particularly shrill in the lead-up to Christmas last year because shop assistants were given a four day break. The large stores were closed for four days over the Christmas period because of the particularity of Christmas falling on a Saturday. This year, of course, Christmas falls on a Sunday, so the public holiday will be transferred to the following Monday and the large stores will be closed for three days.

In my electorate, there are many proprietors of small businesses and many shop assistants. Over the December period, in the days and weeks leading up to Christmas, those shop assistants and those proprietors of small businesses work extraordinarily hard and extraordinarily long hours, providing services to the likes of us so that we can do our Christmas shopping. It seems to me only fair that they should be provided with a break and an opportunity to spend some time with their families over the Christmas period. If that means I cannot go to Coles to buy a couple of litres of milk or Myer to buy some new underwear, well, that is something I am happy to put up with.

These people work very long hours leading up to Christmas and after Christmas. In the old days, small businesses used to be a key constituency of the opposition, but these days they do not seem to worry too much about the sorts of hours which small businesses have to keep in competing with the big players. I am not of that opinion. I think that three days is a decent length of time for them to be able to spend with their families before they have to hop back into it, working the very long hours during the post-Christmas sales.

Last year, the member for Morialta stood in this place and, during a grievance speech, predicted economic devastation for the state because of the decision of the government to close those big shops for four days. Guess what? Nothing happened. No economic devastation; the state economy ticked along quite nicely just as it always does. Retailers enjoyed good Christmas sales and good post-Christmas sales. The state economy is quite able to cope with a break from retailing for those few days over Christmas, and healthy sales both before and after Christmas more than compensate for those few days on which they have to close.

EXPORTS, FOOD

Mr VENNING (Schubert): Today in question time, I asked a question of the Minister for Agriculture about falling food sales—$1.5 billion has been lost to the state—and I am sorry that he did not even answer it. I was more concerned that he named the constituent whom I chose not to name. I chose not to name the person, because I do not have that person's permission to use her name. I did not name her. He also had a shot at me about the report 'Cracking the Egg Industry Challenge' by David McKinna. I read that report, and that is why I asked the question. The answer was not satisfactory to that question either.

I would like to reflect back to February 2002, when the member for Hammond made the shock announcement that he was going to put this Labor government into power. He signed a compact with the Labor Party to bring about the reforms that he wanted and, with their agreement, the member for Hammond put Mr Rann and the Labor Party into office here in South Australia. That was on 5 March 2002. The people of South Australia had spoken in that election, and 51 per cent of them voted for non-Labor members. Despite having support from less than half the people, Labor took over government here in South Australia. In four months time the people of South Australia will be asked again what

they think about what has happened since they were last given this opportunity.

So, let us assess the results and look at what has happened and what has not been achieved over the last four years. In relation to Mr Lewis's compact of reforms—particularly parliamentary reforms—what has been achieved? Nothing. The constitutional convention and the public consultation meetings held through the state at great cost led to what? Nothing. We all agree that we need to have parliamentary reforms. What has happened? Nothing. The broom rape control has been botched, and now broom rape is spreading into my electorate.

The Hon. R.J. McEwen: Rubbish!

Mr VENNING: I asked the member for Hammond only a few minutes ago, and that is what he reported to me, and that is absolute fact. As for the member for Hammond, I sympathise that he went out on a limb for ideological reasons, but the final result is that he achieved nothing and burnt his bridges well and truly, which I personally feel quite sad about. He was dudded fair and square. Some would say that this was always going to be the case. The Rann Labor government has not only let Mr Lewis down, but it has let the people of South Australia down too.

So, after four years of Labor, how do we assess this period for South Australia? I believe that this has been the greatest period of waste in my memory. Consider all the extra finances coming into the state via the GST payments from Canberra, huge increases in personal taxes (particularly land taxes), huge increases in levies from speed cameras and gambling receipts—and the list goes on. The government is receiving all these extra moneys and what do we have to show for it? Nothing—that is what. Just drive around the state and have a look. Everywhere I drive on the roads not only are the roads worn out but look at the infrastructure on the side of the roads. Driving to Walker Flat last weekend I saw that the guard rails on the corners were all rusty. In my 50 years of activity on the roads, I have never seen things in such an appalling state. With the rusty guard rails, it makes us look like a Third World country.

Everything for which the government is responsible, particularly health and education, has deteriorated markedly under this regime. Drive around Adelaide at peak hour to see the congestion. What have they done with the money? We have a burgeoning Public Service but, more importantly, it is the level of salaries paid to these public servants, particularly in the Premier's department, and the public relations outfit, that has gone through the roof. Proof of this is everywhere. Where are the old efficiencies of government? Why is it so difficult to deal with government? Why is it impossible to get life-saving projects such as lights on the Sturt Highway, even after the minister agreed to put them there two years ago? Nothing has happened. At the main intersection of the Sturt Highway, the Barossa Valley Way and Murray Street there are no lights. The minister said two years ago that they would be installed because a person had been killed there. What has happened? Nothing.

Why do PARs sit on ministers' tables for 18 months? What does this do for efficiency? What sort of message does that send to people coming to South Australia when the planning system totally blocks all this up? The only thing that is working well in South Australia is the Premier's media department. When I hear the Premier blatantly get up and talk about the massive state public works program and infrastructure projects going on in South Australia, I know that it is rubbish, because I am on the Public Works Committee and nothing has been happening there for four years.

MUSIC, FLOREY ELECTORATE

Ms BEDFORD (Florey): On Friday evening, it was my pleasure to act as master of ceremonies for the Modbury High School end of year music concert. In this role it was my responsibility to entertain the audience while the stage was reset between items for each of the musical pieces. Under the direction of Mr John Duncan and Ms Joan Baker, the stage band and concert bands performed several pieces showcasing the enormous talent and potential of the Modbury High School students. Modbury is not a special interest music school, yet it has enormous success—

Members interjecting:

The SPEAKER: Order! The member for Schubert and the Minister for Agriculture, Food and Fisheries should go and have a coffee together rather than interrupt.

Ms BEDFORD: —in competition throughout the state, most recently winning its section in the Yamaha State Band championships over private and special interest public schools. On Friday, we were also treated to items from the classical guitar ensemble under the tutelage of Mr Ian Seeborn, who commented on the musicality of the group in performing a piece that would be expected to be normally beyond their ability. Some of the students have been playing guitar for nine years, whilst others have been playing guitar for only a year or so. We also heard from the super sax ensemble under the direction of their teacher Mr Sam Lower.

Another item came from the newest musicians—our stage and concert bands who are stars of the future. We also had solo items from two very talented guitarists—a lead guitarist, Sam Leske, and a bass player, Lauren Mueller. Either of these students could go on to much bigger and better things in music. Many of the Modbury High School students go on to the Conservatorium and have earned both their place in that revered institution and the rewards that their hard work is now reaping. The Modbury High School band also takes part in the Remembrance Day ceremony, and this year we were treated to a rendition of Highland Cathedral, with one of the teachers acting as the piper. It was fantastic, and everyone present thoroughly enjoyed the day.

Earlier this week I also attended the AGM of the Banksia Park band program. Again, several different styles of band are represented at various levels within those bands. Some Modbury High School students are also valued members of the Banksia Park program. I must mention here Ben and Adam Jungfer and their parents who are involved in both bands. David Gardiner and his wife, Karen, along with many other volunteers, play a great part in making the bands at Banksia Park so professional.

Banksia Park is also the home of the Tea Tree Gully Redbacks, a band which the state sees on ANZAC Day and which has most recently been seen in the Credit Union Christmas Pageant. They are a marching band which also took part in the Police Tattoo here in South Australia, and they have also competed interstate. They were also present on Saturday at the Tea Tree Plaza pageant, where the Premier and I took part in the parade, along with my staff and the 'Floreymobile', suitably decorated. We welcomed Santa to the Tea Tree Plaza shopping complex, and I must thank Westfield centre manager Rebecca Cook for her warm welcome to the Premier and me, almost as warm as the welcome the children gave to Santa. Music plays a very

important part in the lives of many people, and in proving that point I remembered a conversation I had earlier this year with Michael Kieren Harvey, the pianist who gave the inaugural performance on the new Steinway at the Adelaide Festival Centre.

The funds for the Steinway were raised by the great work of the Adelaide Festival Centre Foundation, and I congratulate chair John Heard and his committee, whose idea of 'selling a key' through the Key Club helped to raise $250 000 to bring a new Steinway from Hamburg. Michael gave the piano a real workout, helping to bed down the hammers with a very spirited performance of several of the pieces in this repertoire. He was born in Sydney and studied in Canberra, Sydney and Budapest and is now based in Australia, although he is internationally renowned. In discussion that night he agreed on the benefits and importance of music, and I told him of my desire to see a musical instrument offered to every child in this state in much the same way as a language is part of the curriculum.

He offered to assist in promotion of that idea, and I look forward to forming a strategy to work with him to that end. In my time as member for Florey, I have instituted an award for music in every school in the electorate, not necessarily to promote excellence but, rather, to promote participation and effort. For children to be offered this outlet for their energies—and I mean learning the discipline of an instrument in a large group that performs for the benefit of others, rather than having them indoors in solo pursuits such as computer games—with the widespread benefits that has for health, is something to be encouraged.

As each of us attends our end-of-year performances at schools around our electorate, enjoying the musical items, I am sure that we will be mindful of the hard work of the music branch of the Department of Education and the foresight of our schools that ensures that music is available for as many students as possible.

ATTORNEY-GENERAL

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

Leave granted.

The Hon. M.J. ATKINSON: I reviewed the *Hansard* for questions and answers today about the member for Florey and me. I can recall ringing the member for Florey on my mobile phone only twice this year, once in April and once in September or October. It is possible that I have received calls from her or returned calls to her on my mobile or a land line at other times since 9 February 2002 and it is possible that I have responded to conversation from her, but nothing springs to mind that is related to the allegations that the opposition is making.

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

A quorum having been formed:

CORPORATIONS (COMMONWEALTH POWERS) (EXTENSION OF PERIOD OF REFERENCES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 October. Page 3781.)

Ms CHAPMAN (Bragg): The opposition has carefully considered the Attorney's second reading explanation on the bill. This bill has our support; it is necessary to continue what has become the practice. This area of the law has received agreement around the country to ensure that (post-1991) we can have not just uniformity but a legislative structure to enable the establishment and operation of regulations for corporations in Australia. It is now necessary for us to extend the period of reference to the commonwealth. The opposition agrees that this is both appropriate and necessary to maintain the law that we presently have in place.

The Hon. I.P. LEWIS (Hammond): Notwithstanding the enthusiasm with which the opposition has embraced the proposals put forward by the government, there are some matters on which I would like to make some qualified remarks, because I believe the Corporations Act as it stands contains ambiguities, which are demonstrated in the minister's second reading explanation, which was inserted by leave. In his explanation, the minister pointed out that the commonwealth sought open-ended reference of powers from the states but that this was not agreed—and nor should it ever be, may I say. The minister stated:

> The states were prepared to refer power only for a fixed period, in the end, five years. There were reasons for this: the states were of the view that the references of power are not a permanent solution to the problems posed by the Wakim and Hughes decisions.

At first blush, I think most members would assume that the minister was referring to one case, but as is revealed by the written word (which was inserted in *Hansard*) he was referring to decisions (plural). The High Court in its judgment found that Hughes had misinterpreted the statement made in the Corporations Act that an offence against the corporations law of the state is 'taken to be an offence against the laws of the Commonwealth' and that rather than this being an equivalence it was to be understood as an 'as if' provision. This means that it is not the law of the commonwealth but the law of the states which they have agreed will be identical, and it is therefore picked up and authorised by the commonwealth. Commonwealth acts cannot and do not override the states' prerogative to make legislation. The states would be very foolish indeed ever to allow that to happen. The states ought not to refer their powers to the commonwealth.

Whenever ambiguities or difficulties occur in interpreting the law, there is scope for new interpretations and extensions to evolve—we all know that—not only in this instance as an illustration of the general case, but also this instance in itself, which, through the Corporations Act, has the potential to regulate many areas of business law through defining things such as carrying on a business, funding arrangements or similar. These things have ramifications that could extend into affecting other regimens within our law, such as trade between the states. It is for reasons of this kind that the states need to maintain some control of this legislation.

As I have pointed out, let me state it more plainly—if it needs to be so stated—at the present time the commonwealth powers are referred powers by virtue of section 52(xxxvii) of the Commonwealth Constitution which states:

> Matters referred to the Parliament of the Commonwealth by the Parliament or Parliaments of any State or States, but so that the law shall extend only to States by whose Parliaments the matters are referred, or which afterwards adopt the law. . .

That is the relevant section to which I draw attention. The same matter came out in the Wakim case. The important thing for me is that, if this country is to survive in its structure of governance as a Federation, the states must not allow the commonwealth to take over legislative prerogative. If, however, we want the Soviet model, then we will refer our powers as states and become hollow shells, totally irrelevant, and the Federation will collapse.

It is for that reason more than any other that I am willing personally to support the legislation, but I do so only by drawing attention to my very longstanding and grave concern about the direction in which some of the mischief makers (to be found mainly within the republican movement) want to take us, especially those who have a view of our constitutional arrangements in Australia as being redundant and out of date to the extent that they are inferior to the structure proposed for the USSR and its satellite countries which were found to be, after 70 years of trial, absolutely useless.

I shudder to think what will happen if we do not have people of vision in the role of attorneys-general and enough people of vision in politics generally to understand why the founding fathers of our Federation gave us the constitution which we now enjoy and why they deliberately chose the current model as opposed to any other, thereby ensuring our freedoms and the more rapid, effective growth of our civilisation—not just our economies but our civilisation—by enabling comparative examples to be tested by the states according to their democratic choice in that, if they do not want to be identical to everyone else, they do not have to be, and through that compete with one another for capital and for the residency of labour and citizens in whatever way that is believed to be desirable through the political debate process of the day.

I have been unashamedly forever (from the date of its foundation) a member of the Samuel Griffiths Society. It is non-partisan and its commitment is to providing clear understanding of what the constitution says, as well as explaining why it says it and, of equal importance to both those things, why it was chosen to be in the form that it is rather than in some other form. It is not an accident that we have those constitutional arrangements. I commend the Attorney for whatever part he played in ensuring that the states avoided the worst possible framework through which they might have finally adopted uniform law on these matters but maintain their prerogative rights to the extent referred to in section 52(37) of the commonwealth constitution.

Bill read a second time.

In committee.

Clauses 1 and 2 passed.

Clause 3.

The Hon. I.P. LEWIS: I want to make an inquiry of the Attorney, and I will do it here, because I see no reason to proceed to other clauses. It is of a general nature. I want to make of the Attorney an inquiry about his belief that the way in which the court ruled is the way in which the government would still want the legislation in the future to continue to have effect; that is, the offences said to be committed by Mr Hughes when he was charged in the District Court of Western Australia, together with another chap, Mr Bell, under the Corporations Law of Western Australia. Mr Hughes applied to the District Court to quash the indictment on the basis that the commonwealth and the Western Australia Corporations Act invalidly attempted to convert offences against the Corporations Law of Western Australia into offences against commonwealth law; and also, if they were state offences, that the commonwealth DPP did not have power to prosecute them because there was no link between the subject matter of the offences with which he said he was charged and the commonwealth heads of legislative power. Will the government then continue to maintain the present framework to which I have referred in my second reading contribution and which, as I understand this legislation (and I want him to correct me if I am wrong), will still be maintained?

The Hon. M.J. ATKINSON: Offences under this act are now commonwealth offences and they are prosecuted by the commonwealth DPP.

The Hon. I.P. LEWIS: There will be no attempt to refer all the power to make law to the commonwealth, but the state will maintain its right to agree or disagree to any changes in the Corporations Law in the way that it is at the present time, rather than go for a centralised republic through a de facto process, act by act?

The Hon. M.J. ATKINSON: No.

The Hon. I.P. LEWIS: The Attorney is now telling me, if I understand him correctly, that he will go down that pathway. Is it the Attorney's intention to maintain the federal structure and nature of our law?

The Hon. M.J. ATKINSON: I am sorry; I misinterpreted the question. The member for Hammond would know that I am a federalist and a supporter of the continued existence of the states, with all the powers that the framers of the constitution intended. I am not in the company of Prime Minister Howard, Attorney-General Ruddock and some on my side such as former senator Schacht, who would effectively deprive the states of all authority altogether. No; I am a federalist and I have no wish to refer any more powers to the commonwealth, unless there were a compelling reason to do so in the interests of uniformity. Furthermore, when this legislation was before the house when another government was in office, I was very much of the view that the regulation of corporations could just as well be done by a consortium of states and territories as by referring the matter to the commonwealth. But now the matter has been referred to the commonwealth, that is what we intend to stay with, and we intend to honour our promise. This bill honours our promise.

Clause passed.

Clause 4 and title passed.

Bill reported without amendment.

Bill read a third time and passed.

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT AND RATING) AMENDMENT BILL

Consideration in committee of the Legislative Council's amendments.

The Hon. I.P. LEWIS: Mr Chairman, I draw your attention to the state of the committee.

A quorum having been formed:

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

That the Legislative Council's amendments Nos 1 to 11 be agreed to.

The Hon. I.P. LEWIS: Throughout the contemplation of this legislation, the feelings of members of local government and the Local Government Association have been a pain, for better or for worse. They do not address the things which concern many of my constituents and, notwithstanding that this conference has now concocted a compromise between the Liberal Party and the Labor Party (and let us not make any

bones about that), and in the process as I understand the comments around the lobbies of the two chambers, the minister has been conciliatory in the way in which he has conducted himself in that conference (and I commend him for that), my concern is that I do not now understand whether we will have any improvement on what has been a problem to date.

Too often, the records of council meetings are restricted, and I want to ask the minister some questions about why we still allow that to happen. Why can we not have a full freedom of information provision applying to local government in the same way that it should apply (and was meant to apply under the compact for good government) to the state government? Whilst we have had some improvements in that domain, we have not had exactly what I had in mind at the time we formed that compact. Why cannot councils be required to provide the reasons for their determinations? Why are they always entitled to rush off into camera when it suits the personal political proclivities of a majority of them? Altogether too often matters are made confidential just because councillors do not want to be called to account for the views that they have expressed in council meetings. They hide behind the confidentiality clause, and get away with it, because the CEOs do not want to offend the councils and say, 'No, you cannot do that.' The poor members of the public who want to obtain information about which councillor has voted which way and said what things cannot do that, so these people are not being held to account.

Furthermore—and maybe the minister can disabuse me here—why can councils not be required to provide reasons for their decisions whenever they make a rise in rates, rather than resort to the specious argument that the costs of things have gone up and dodge the thrust of the issues involved? It is altogether too easy for councils, on the one hand, to get into confidential sessions and hide behind that confidence. It is a serious misdemeanour, as you know, Mr Chairman, to breach that confidentiality, though whenever it suits some councillors they seem to do so and get away with it, I am told. On other occasions they simply hide behind it. We could not as legislators—nor should we be able to—do such things. It is bad enough as it stands now. It would be worse still if we were to conduct ourselves in the way in which councils can.

I am wondering whether the minister will explain two simple things. Will these amendments enable us to get full FOI from local government bodies in future, in the same way as applies to the state, about council meetings; and will councils be required to give legitimate reasons not only for raising rates but also for the other decisions they make along the way? This has serious implications for us, come the next election. It will not go away as a consequence of the higher values placed on properties in consequence of the real estate boom that has been fuelled by the federal government's good management of the economy over the last three years or more. Those property values have escalated enormously, and the amount of revenue which councils are collecting is really hurting, at least as much as, if not more than, land tax. I want to know why councils cannot be compelled to give their reasons. Why are they allowed to continue to hide behind that? Does this agreed schedule of amendments address those matters in a satisfactory fashion, according to the background of the inquiry I make and explanation of it?

The Hon. R.J. McEWEN: I believe that I need to contain my comments to the schedule of amendments that has come back from the Legislative Council. The honourable member certainly ranged more broadly than this legislation, let alone the amendments, in his observation. Some of his comments related to an earlier bill, which has passed both houses of parliament, in relation to significantly improving a number of governance issues for local government. As a subset of that, we wish to make significant changes in relation to financial management and ratings in terms of accountability. I believe that the honourable member's requirements are satisfied by the amendment 4A.

The Hon. I.P. Lewis interjecting:

The Hon. R.J. McEWEN: I believe so. The honourable member is absolutely right when he says that people paying rates have every entitlement to know in advance any decision of council and what it intends to do. They have a right to know in advance not only the long-term plans of a council but also the long-term strategic plans of a council. What are the plans of council in relation to maintaining present assets, as well as building new assets? They have every right to know that. They have the right to know what the annual business plan looks like and how it intends over the next 12 months to address the long-term strategic plans. Before asking people for money they have every right to know what the money will be spent on.

We want to improve the consultation process—and that is what this will do. A draft annual budget must be made available ahead of public meetings and other consultations required under this amendment (should it be successful) ahead of council's dealing with it. When debating the annual budget plans ahead of setting its rate, the council must be cognisant of the public consultation it has been through. The honourable member asks what 4A does; I believe it satisfies his requirements in terms of engaging the community in the annual business plan ahead of a council's setting the rate.

Some of the observations, more generally, though, about openness of council are not dealt with either in the bill or in these amendments. Equally, councils should be open and honest at all times. The only time councils should go into committee is when there is a specific reason to deal with a matter in confidence. We use the term 'in committee' but they are dealing with the matter in confidence. I believe most councils are well and truly satisfying those requirements. From time to time it is brought to the attention of my office—

The Hon. G.M. Gunn: They don't have parliamentary privilege.

The Hon. R.J. McEWEN: They do not have parliamentary privilege for very good reason.

The Hon. G.M. Gunn interjecting:

The Hon. R.J. McEWEN: I should not be distracted by interjections. I should be focusing on the legitimate question of the honourable member. I believe, in closing, what he is asking for, as it relates to the financial management of councils, is contained in this amendment. I am asking the house to support the amendment.

Dr McFETRIDGE: I indicate that the opposition will be supporting these amendments. I point out that there has been a number of discussions between the opposition and the government, the minister and his advisers, the LGA, the Democrats and the Greens. The amendment certainly will improve the financial management and ratings process of local government. While there has been some concern about increased costs in producing these plans, I think that the financial management plans and the changes to the auditing of councils, with the formation of audit committees and the ability to bring in a different scheme with external auditors, will significantly improve public accountability and openness and transparency of local government. Certainly, individual

councils and the Local Government Association generally have been supportive of these amendments. I indicate the opposition's support.

Motion carried.

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

The Legislative Council, having considered the recommendation from the conference on the bill, agreed to the same.

Consideration in committee of the recommendations of the conference.

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

That the house no longer insist on its disagreement to the amendment.

The bill was deadlocked because the other place will not have an offence of causing serious harm by criminal negligence in the bill as proposed by the government. A conference of both houses has worked out a solution to the deadlock. I will explain the problem first. Without an offence of causing serious harm by criminal negligence, there will be a gap in the law. That gap relates in part to the offence of assault occasioning actual bodily harm, which is repealed by the bill along with other specific non-fatal offences against the person, and is replaced by generic offences of causing harm. The offence of assault occasioning actual bodily harm, the current section 40 of the Criminal Law Consolidation Act 1935, was to be repealed by this bill because the conduct it covers would have been covered by the three new offences of intentionally causing harm or serious harm, recklessly causing harm or serious harm, and causing serious harm by criminal negligence. Because it does not fit at all into the new simplified structure that part of the gap can be filled by restoring the modern equivalent of the offence of assault occasioning actual bodily harm.

The offence has existed in that form for more than 150 years. If it is to be replaced, it must be replaced by modern wording that fits within the scheme contemplated by the government's reforming measure. I move that clause 10 of the bill be amended to include a modern equivalent of the offence of assault occasioning actual bodily harm, and that consequential amendments are made to the penalty provisions for the simple offence of assault to differentiate clearly between these two offences. It is a feature of the current offence against section 40 that there is no fault to be proved about the occasioning of actual bodily harm. It suffices for conviction that harm was caused by the assault without need to attribute subjective fault for causing that harm. This was authoritatively established by the High Court in Coulter v the Queen in 1988.

Clearly, since the new provision is intended to replace the old, it is intended that the effect of Coulter remains. That is why the amendment proposes the footnote about Coulter. Also, members should note that although there is a verbal difference between actual bodily harm in the current offence and the word 'harm' as used in this bill, there is no difference in substance at all. This proposed new offence will simply replace the old one. I remind the house that the gap left by removing the offence of causing serious harm by criminal negligence remains for conduct other than assault that by criminal negligence causes serious harm.

An example of the kind of conduct that the member for Bragg wants to legalise is where youths threw rocks off overpass bridges, not realising that a car was passing underneath and hitting people below. So, be clear about the Liberal Party position on this, that is, if youths throw rocks at buses or cars from bridges or overpasses the Liberal Party is saying that, provided that they do so negligently and do not intend the rock to strike a car, the criminal law should not cover that behaviour.

Other examples are people leaving material on roads or railway tracks which then cause a vehicle or train to crash, seriously injuring the occupants. The Liberal Party says that if you leave your car on a road or railway tracks intending a train to collide with it that will be caught by the criminal law but, if you do it negligently, it is not a matter for the criminal law. Presumably, the member for Bragg would like the injured persons to recover in the civil courts.

Last week, a senior Liberal politician in Western Australia was convicted of an offence of this kind for shooting off part of his son's thumb when shooting rabbits, having left the gun loaded. As I have mentioned in debate, South Australia is alone in Australia and New Zealand in not having an offence that covers such conduct—conduct where a person does something without intending to harm another but which causes serious harm and is conduct which might be thought grossly negligent in the circumstances.

However, the Liberal opposition is adamant that our criminal law should not include an offence of causing serious harm by criminal negligence, even though it exists in every other jurisdiction in Australia. It takes this stance even though parliament has recently enacted new offences that include an element of criminal negligence. One may be found in the Criminal Law Consolidation (Intoxication) Amendment Act 2004. Under that act, a person may be found guilty of manslaughter or causing serious harm if, even though his or her consciousness was or may have been impaired by self-induced intoxication to the point of criminal irresponsibility at the time of the alleged offence, the person's conduct in causing that death or serious harm, if judged by the standard appropriate to a reasonable and sober person in his or her position falls so short of that standard, amounts to criminal negligence. But, sir, I forget. In the last parliament the Liberal Party supported the drunk's defence and kept it in our law.

The other may be found in the Criminal Law Consolidation (Criminal Neglect) Amendment Act which came into operation on 14 April 2005. The bill was passed without amendment and with Liberal opposition support. It establishes an offence of criminal neglect for failing to take steps to protect a child or vulnerable adult for whom one has assumed responsibility from an unlawful act that results in serious harm or death. Reluctantly, because this bill is such an important part of the government's platform of criminal law reform and includes a definition of serious harm that is essential for other acts already passed in this session, the government has had to concede the opposition's point.

Ms CHAPMAN: I thank the Attorney-General for acceding to the request of members of the committee in relation to a resolution which was the initiative and brainchild of the shadow attorney-general. It is important to appreciate how it was identified to resolve the drafting of the legislative amendment of which the shadow attorney was the architect. Essentially, the reason we had the problem in the first place was that the government had redrafted the way we deal with conduct in relation to assaults and action by one party toward another or, in some cases, multiple victims where that conduct caused the other party (or parties) harm and to establish that that conduct is criminal in certain circumstances and to graduate it from either harm or serious harm and also

to identify in relation to the mens rea, as we call it, the person who perpetrates the offence as to whether they were undertaking that conduct intentionally or recklessly.

Essentially, the most serious offence of causing serious harm was in the new clause 23, the less serious offence of simply causing harm being in clause 24. When we overlap the intention of the person who has perpetrated the conduct, we can have either intentional causing of serious harm, reckless causing of serious harm or intentional causing of harm or recklessly causing harm. Under the new structure that is being introduced by the government in this bill, each is designed to have a penalty commensurate with differentiating those combinations. That was fine, but the bill also included the third category where you can cause serious harm when that harm was, as far as the intent of the perpetrator is concerned, caused by criminal negligence.

At all material times through this debate, that has continued to be opposed by the Liberal Party members of this house and members of other parties, in particular the Australian Democrats and the Liberal Party in the other place. That has been our consistent position, and whatever examples the Attorney might want to throw up in an attempt to discredit it, that remains our position. Just before the Attorney-General goes bleating off on late night radio on this issue, as he is wont to do, the rock-throwing incident in which the Attorney describes the circumstance where some perpetrators throw rocks and cause serious harm to another party is one in which, if he had attended some of those lectures at law school, he might have had some understanding that that conduct is reckless behaviour and it is that conduct that already under this proposed legislation, in relation to reckless causing of harm or serious harm, could result in a conviction and an appropriate sentence being applied.

Rather than come in here with an example that is flawed in its application, the Attorney might spend more time catching these people who throw rocks at others or participate in any kind of conduct that causes harm or serious harm to others, whether intentionally or recklessly. We would like him to go out there and make sure that they are caught and prosecuted. That would be a helpful contribution for the people of South Australia, not this drivel about examples that do not even apply to the legislation that he proposes to impose. The Liberal Party and the Democrats will not have that.

In the light of the deadlock conference that had begun back in July, the government said that if we would not accept criminal negligence it would add another offence, and that was that 'a person who assaults and thus causes harm to another is guilty of an offence (even if the harm is caused unintentionally and without recklessness).' As the Attorney-General has indicated again today, the reason why the government introduced that compromise position was to ensure that the assault occasioning grievous bodily harm offence, which had existed on the legislation that the government is repealing under this bill, would be restored and that this was going to capture the same thing in modern language. What a lot of nonsense. What became clear is that, even if the words 'even if the harm is caused unintentionally and without recklessness' are inserted, it is simply another way of describing criminal negligence.

I do not know whether he thinks that we are complete idiots in dishing up that sort of proposal, but it was not accepted and we had to ask the government to go back and think through this issue and come up with a better way of resolving the matter. Here I give credit to the shadow Attorney-General. When he wrote to the Attorney-General on 18 November 2005 confirming the Liberal Party's position that we would not accept the words in parentheses as proposed and that introducing the new section 24(3) dealing with assault was not the appropriate way in which to deal with causing harm, he noted that the following had been pointed out to him:

> As your proposed section 24(3) provides penalties for those who 'commit an assault which causes harm', it should follow the simple assault offence, which appears in section 20(2). . . It is accepted that proof of a specific intent to cause harm has never been required. It is inconceivable that any court would find anything in this bill that would alter that situation.

Further, he states:

> With the greatest respect, it would appear that you do not accept the proposition upon which the majority of the Legislative Council agree, that just as intentional and reckless conduct covers the field of criminality in the new offence of causing harm, it should also cover the field in the new offence of causing serious harm. In lieu of your additional amendment no. 2 I suggest the following.

This was a clause 10 introducing a new section 20 and then to go on to insert subsection (3), which he outlined and which, I am pleased to say, the government has picked up in the consequential amendment that is now before us. We have a new substituted subsection (3), which provides that a person who commits an assault is guilty of an offence, with the maximum penalty for (a), a basic offence, being imprisonment for two years; (b), an aggravated offence, except one to which paragraph (3) applies, being imprisonment for three years; and (c), an offence aggravated by the use of or threat to use an offensive weapon, being imprisonment for four years, and it goes on similarly to identify penal servitude for basic assault, aggravated assault and assault with the use of a weapon, where it relates to assaults that cause harm.

We have consistently maintained the position that criminal behaviour is where the perpetrator acts in a manner that intentionally causes harm or recklessly causes harm, and that there is no place in the criminal law to deal with negligence. Negligence deals with the civil remedies in relation to these matters. I again indicate that it is important that this be preserved so that there will still be an opportunity for people to take civil action in similar circumstances. I thank both the shadow attorney-general for putting forward the way to resolve this matter and the government for accepting it.

I conclude by referring to the shooting incident in Western Australia, to which the Attorney-General also referred. As he indicated, a member of the Western Australian parliament had been spotlighting, shooting rabbits. A firearm discharged, tragically resulting in the member of parliament's son (aged about 10 or 11, I think) having the tip of one of his fingers blown off. I do not know any other details of this matter other than the fact that some time later the member of parliament was charged with an assault causing serious harm and the criminal negligence component was relied upon. Whilst I do not know the full circumstances of this case, on the face of it, to make this incident a criminal offence is outrageous. I hope that, in due course, the Western Australian courts dismiss it.

The Hon. M.J. Atkinson: The matter has been dealt with.

Ms CHAPMAN: The Attorney-General indicates that the matter has been dealt with. This example highlights how terribly wrong this type of legislation can be, so I am delighted that we as a parliament have resolved to deal with this reform without including a criminal negligence aspect. I hope that no further attempt will be made by future governments to try to impose such a provision; we do not

want a repeat of the events of Western Australia. I thank the house for its indulgence.

Motion carried.

DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 October. Page 3608.)

The Hon. I.F. EVANS (Deputy Leader of the Opposition): Members might recall that I had just started my contribution last Thursday when the house adjourned. This bill comprises what is left over from the sustainable development bill which the government floated for public consultation over probably a two year period, and this is what the government is prepared to proceed with at this time. The government describes the measures in this bill as being the less controversial elements of the sustainable development bill, and that is probably an accurate description of what remains in this bill.

In her second reading explanation, the minister said that the government intends to proceed to address the issues contained in the balance of the initial bill. One of the more controversial elements of that bill was, of course, the majority independent membership of local council development assessment panels. It is interesting to note that the government is firmly committed to that view and intends to reintroduce that measure if it is successful at the next election.

The bill drifts across eight or nine different topics. I do not intend to hold the house for long, because this measure is not very controversial. The bill introduces a code of conduct prepared by the minister for all the development assessment panels in the state (including professional staff acting under delegation). The minister is of the view that this code of conduct will help to streamline the development assessment process, because there will be one single code of conduct applying to all. The opposition does not disagree with that to any real extent. We do not think this code of conduct will be the saviour of the planning system, but we support measures that generally try to streamline the development assessment process because we are trying to work with the government to develop a more timely and reliable planning system.

The bill deals with matters that were raised following the tragic incident at the Riverside Golf Club. It contains measures which seek to tidy up building processes and which relate to recommendations following the coronial inquest. The opposition does not oppose those matters. The bill also brings in an auditing process in relation to both councils and also private certifiers. The government argues that this is to ensure proper processes are followed for the complete assessment of applications. The opposition did get representation from the association representing private certifiers. It argued that if auditing processes were to be introduced it should be not only for those within councils and those who were privately certifying but also for those within some of the government agencies themselves who hold a similar power, if you like. They were also concerned about some other matters which we have raised with the government or floated by way of amendment to the previous bill, so we are aware that there are some concerns by the private building certifiers in relation to this auditing process.

The government argues it is introducing measures to strengthen the requirement for council inspection policies to ensure there is greater consistency with building and planning rules. Councils these days do not have to inspect every building project as a result of an application. The planning that the parliament has come to previously is that they will have a policy that clearly sets out their inspection regime so that consumers and the building industry are aware of what the inspection regime is. The government has introduced some minor measures in relation to this bill, as it says it is to try to strengthen the requirements of the councils' inspection policy. An issue was raised about how the residential inspection regime was dealt with as against the commercial and industrial inspection regime. My understanding is that the government has tried to address that issue, which was raised during the consultation process. From memory, we moved some amendments at one stage in the upper house, but they did not proceed, because the government did not proceed with that bill in that form.

Land management agreements was an interesting topic in the public consultation process. The development industry was particularly nervous about the use of land management agreements, in that councils could use land management agreements to seek to get a financial contribution for works that were outside the parameters of the development application. For instance, at the point of application the council could say to a developer, 'If you give us $50 000 towards a park down the road, we will approve the development and we will do it all by the agreement about the money, etc., as part of the land management agreement.' The development industry has a problem with financial contributions being requested at the point of application. I can understand why it would have some concerns with that, because it opens the whole question about buying your approval, if you like, through making the right contribution to the right project. I am not saying that has happened in South Australia but, if the law is not tight in that area, it does provide the opportunity for that to happen. The development industry was concerned about that element of it: whether, at the time of signing a land management agreement or at the time of the development, that is really the time to talk about monetary contributions.

The development industry tends to think that if it is going to ask for monetary contributions a better way to handle that is probably to have that up-front in a policy so that every application is treated evenly, it is public, it is disclosed, and it is not really subject to negotiation. I think that is a better method; if you are going to introduce monetary contributions by way of land management agreements, having a policy up front is probably a safer method of doing that. I can remember media programs on the New South Wales development industry in the last two years, with famous footage of envelopes changing hands between developers and mayors. We obviously do not want to introduce any weakness into the system in South Australia that would encourage that.

The opposition moved amendments in the other place to try to tighten the regime in relation to what can be demanded through a land management agreement and, as I understand it, the development industry is happy with our amendments to the point where through this bill the government has picked up the amendments from the other place and basically inserted them in this bill to make clearer that the land management agreements cannot seek contributions for matters that do not relate to the development—the park down the road or some other obscure council request. They cannot do that.

I am aware of circumstances in the state where they have not been asked necessarily for direct financial contribution, but they have certainly been asked to provide for maintenance

of a park down the road. It seems a bit of a stretch, so I am pleased the government has listened to the argument in relation to the treatment of land management agreements in relation to at least that aspect. It also moves amendments to the Natural Resources Management Act. In its original form that bill had a long debate, as I recall it, on the issue of whether natural resources management boards—which of course are unelected—should have the power to develop a plan amendment report (PAR) and whether that should override the local council's plan amendment report. We actually moved an amendment to the Natural Resources Management Bill to prevent natural resources management boards having the power to override a local council's plan amendment report, and the government defeated us on that measure.

Up to this point, natural resource management boards—or as they used to be able to, the old water catchment boards—could develop a plan amendment report and then put it through the system and actually override the local council's plan amendment report. The Liberal Party is of the view that the people who have the power to decide planning amendment reports should be elected. We are trying to restrict that right to either ministers or councils. We are pleased to see that the government has rolled over on that principle, having voted against us when debating the Natural Resources Management Act. The government has now rolled over in relation to that principle, but I am not naive enough not to recognise that the natural resources management boards are likely to do the minister's bidding in relation to what the minister wants in relation to planning amendment report requirements on behalf of the natural resources management boards. The board will then forward it to the environment minister's cabinet colleague, the planning minister, who ultimately will then have the choice to sign off. It is not bulletproof in that it will not ensure that the natural resources management board will not override local councils, but at least the minister will have to make that decision more formally than under the Natural Resources Management Act. We have protected councils somewhat and there is a consultation process between the minister, the natural resources management board and the—

The Hon. I.P. Lewis: But the minister appoints the members of the board. They will do what the minister tells them.

The Hon. I.F. EVANS: The member for Hammond says that the minister appoints the members of the natural resources management board and they will do what the minister says. I did say in my comments that I am not naive enough to believe that they will not do the minister's bidding, but I say to the member for Hammond that the water catchment boards are also appointed by the minister. To my knowledge, they have had this power at least since the water catchment boards were established. Occasionally you do get boards that do not do what governments want. At least we have taken it one step back. It is not perfect but it is a better result than what was under the Water Resources Act (now the Natural Resources Management Act).

In relation to the private certifiers and technical difficulties that sometimes arise where very minor changes can be made, the government has introduced a simplification for the process of making changes to applications if they are of a minor technical nature, and given the building certifier a little more flexibility in dealing with those issues. Rather than having to send it back through the whole process, there is a simplified measure in the bill and the private building certifiers get a little more discretion. If there is a minor technical issue that does not change the intent of the development, then the building certifier can still sign off. That is a simplification to the measure. We do not have a problem with that principle.

The other issue relates to heritage amendments. This is the one issue on which we will have an argument. Both the government and the opposition have filed amendments. The principle behind the two amendments, as I understand it, are as follows. This is only in relation to local heritage listing, so not state or national. The government is of the view, as I understand its argument, that when a PAR deals with a local heritage matter, then the council must employ a heritage consultant to give advice on that particular matter. The council has no discretion on that. When the heritage consultant provides the report to the council, the council must adopt the recommendations of the report. The council has no discretion on that. It is then forwarded to the minister, and the minister has a discretion not to list those properties for local heritage listing into the PAR document.

The Liberal opposition has a different view from that. Our amendments essentially adopt these two principles. Our amendments say that, even if the council is dealing with a planning amendment report that deals with local heritage, then we think it is up to the council to decide whether it gets advice on that through a heritage consultant. We trust local councils to make that decision as to whether or not they employ a heritage consultant. If they do decide to employ a heritage consultant, the heritage consultant then makes recommendations as to what is to be listed. The principle we adopt is that the council should have the discretion as to whether it accepts those recommendations and lists those properties as local heritage listed in the PAR for consultation or whether the minister should. We say that is a discretion that the council should have, not the minister.

Clearly the government and the opposition have a different view on planning. The government says councils should not control their development assessment panels. The majority of the development assessment panels should be independent of council. Put that one question aside. We have a different view on that. Then when you come to heritage, even when dealing with a simple thing such as local heritage, the government does not even trust the councils to decide whether they will employ a heritage consultant. Then when they receive the heritage consultant's report, the government does not trust the council to make a decision about which of those properties recommended for listing by the heritage consultant should go into the PAR for community consultation for listing.

That will all go to the minister's office and the minister will somehow have that discretion. We do not see why local councils should be undermined on that question of local heritage, as the government proposes. We do not see why the government would move down that path and why it distrusts local government so much on the question of local heritage. So, we will have a fight and some discussion on that issue, on which there are amendments from both sides.

I do not intend to hold up the house any longer. Generally we support the measures—it is the heritage issue in this bill that causes us most concern. Again, we note that the government, if re-elected, intends to reintroduce all the measures left out of this bill that are now not being proceeded with. The government would not test it in the other place. It assumed that it did not have the numbers and would not test it in the

other place. It simply withdrew and brought back what it calls the less controversial items.

We note particularly that the government will reintroduce majority independent development assessment panels with a view to overriding local councils, and it was interesting to note one developer already saying, 'We do not care that the local council has knocked off our development because the government will reintroduce this bill; we will get the independent assessment panel appointed; and then this development will be approved.' So, for communities that are concerned about the impact of independent development assessment panels, I think the message from those developers is interesting in the context of the bill. With those few words, we generally support most of the provisions in this bill.

Ms CICCARELLO (Norwood): I rise to speak in relation to the Development (Miscellaneous) Amendment Bill 2005 which, as many keen observers would know, was originally introduced in the other place as the Sustainable Development Bill 2005. The Minister for Urban Development and Planning introduced the Sustainable Development Bill into parliament this year. However, regrettably, the opposition, Democrats and other minor parties sought to make numerous amendments which would have made the bill unrecognisable and unworkable in that form. I am advised that they sought to make 150 amendments, and some of the amendments would have resulted in greater confusion for applicants, councils and the community. To its credit, this government did not spit the dummy, unlike the former Liberal government, which continuously accused the Legislative Council of being hostile. This government simply gets on with the job.

The minister, I understand, met with the various parties, and after those meetings, when it was clear to the government that they were more interested in game-playing than improving our planning system, the government decided to split the Sustainable Development Bill into two parts. Part one is now called the Development (Miscellaneous) Amendment Bill. It is before us today and seeks to address a wide range of processes and procedural improvements. Part 2 of the bill, I understand, is still in the other place and is the subject of further negotiation between the parties.

From my experience, having been mayor of an inner metropolitan council prior to my election to parliament, these improvements make good sense and, in my opinion, are well overdue. Some of these improvements include:

- A single code of conduct, prepared by the minister, for all development assessment panels in the state. This will apply to council development assessment panels and the Development Assessment Commission. It will also apply to professional staff acting under delegation from these panels. This reform will contribute towards improving the certainty that the community and applicants crave. It will also result in a greater degree of accountability and will increase the transparency and impartiality of decision-making by all relevant authorities.
- The Coroner in July this year handed down his findings into the deaths at the Riverside Golf Club after that tragic roof collapse. The government, however, did not attempt to sweep the issue under the carpet. It identified the weaknesses in the system and acted. It has acted to implement all the recommendations of the Coroner, and the legislative head powers are just the start of the implementation process. These reforms are not optional. The safety of people using and occupying buildings every day is not optional. The community expects to live and work in safe buildings, and this government is improving the system to ensure hopefully that the tragedy never happens again. The key parts of this bill which implement the Coroner's findings include:
  - provisions for improving the accountability of component designers and manufacturers regarding the performance of their products incorporated into building work. You cannot blame the poor old builder if he or she is supplied with trusses or other components which should comply with the relevant Australian Standards and codes but fail to do so. Responsibility must rest with the designers, certifiers and manufacturers. These amendments made this issue crystal clear;
  - the auditing of councils and private certifiers to ensure proper processes are followed for the complete assessment of applications. This I am told will also bring our state into line with the rest of the country, and I say it is about time if it results in greater protection for the public and greater accountability of the experts in whom we all put our faith, and I fully support it;
  - the strengthening of the requirements for council inspection policies for greater consistency. The community expects that building work is inspected in order to ensure that basic building and safety standards are met and the approved plans are adhered to. This will mean that minimum standards for inspections will apply across all councils; and
  - the introduction of expiation fees for some breaches of the act to encourage a high degree of compliance. This is a very important improvement to the system. The Riverside inquiry found that conditions of approval were not met by the builder and that a certificate of occupancy was not sought by the builder or the property owners; nor was one issued by the council. One of the underlying reasons for councils not following up on these types of issues (and we have heard it many times) is that it costs too much to enforce through the courts. At the moment it costs councils thousands of dollars to take action in the courts, only to find that the court issues a fine of a few hundred dollars to the offender. This huge amount expended on resources is not recovered and hence is borne by the ratepayers and not the offenders. Hopefully, this new measure will act as an appropriate deterrent and will seldom be used by councils. Nevertheless, I am confident that it will achieve a greater degree of compliance and give everyone confidence in the system.
- Land management agreement provisions, to improve their application in relation to development applications and procedures and, importantly, allow for better delivery of affordable housing.
- Appeal rights for overdue development assessment decisions in order to provide greater certainty to applicants where decisions clearly exceed the statutory time frames.
- Amendments to open space contribution provisions to enable small rural towns to have a different contribution level to those of large urban areas and therefore reduce the future cost of residential land divisions in rural areas. This will also deliver a greater degree of equity across the state.

I am pleased to note that an important government amendment has been filed by the Minister for Education

(Hon. Jane Lomax-Smith). The amendment deals with the important issue of local heritage and, just as the Minister for Education and Children's Services stated in her introduction of the bill to the house, this issue is also very dear to my heart. I understand that during debate on this bill in the other place the Democrats introduced an amendment relating to the introduction of heritage orders on places where a council is of the opinion that they have sufficient local heritage value to justify protection under this act.

This amendment was opposed by both the government and the opposition in the Legislative Council and subsequently lost. Some of the rationale for opposing the amendment included:

- The amendment would provide a disincentive for some councils to prepare local heritage surveys and comprehensive local heritage plan amendment reports in favour of an adversarial and reactive approach through the use of heritage protection orders.
- The amendment required the opinion of the council without mandating any technical justification which would have resulted in a high degree of uncertainty for property owners.
- The amendment required the landowner and the council to enter into high-cost court action with expert witnesses on both sides in order to justify the removal or retention of any such heritage order.

I understand that the Minister for Urban Development and Planning gave an undertaking to revisit the local heritage listing provisions whilst the bill was between the houses. During debate on the amendment, the opposition and minor parties sought the minister's assurance that the government would give genuine consideration to introducing a government amendment to the bill, which would provide greater certainty to the community and landowners regarding the procedures for proposing the listing of local heritage places in a fair and impartial manner. I truly hope that they are genuine in their request and not game playing, because I know government members are genuine; and I for one am definitely in support of this amendment.

In relation to the amendment, I understand that this clause will require councils to undertake simultaneously a local heritage survey by a prescribed person, such as a heritage architect, and to prepare a draft PAR so that current delays in the listing process are overcome. I note it does enable a council to remove a recommended place from the list before public consultation, but only if this can be justified and if the minister agrees to the item's removal, and the community is informed that the council has taken such action. I think it is appropriate that the minister be the person who must agree to such removal. After all, in terms of the process, the minister is the only person who is accountable directly to the parliament; the council is not. Hopefully, this will prevent the poor practice of listing properties only on a voluntary basis which we all know was the underlying cause of the loss of Fernilee Lodge; and that barren piece of land currently serves as an indictment on those responsible for the decision to allow it to be demolished.

The amendment also provides the public and landowners with an opportunity to make submissions to the council on the proposed listing. In order to protect proposed places during the consultation period, the amendment requires that all such PARs be placed on interim operation for a maximum of 12 months. This will enable full debate and consideration without fear of premature demolition. The amendment retains the ability for the ERD committee of the parliament to review the process and hear submissions from interested parties. This amendment clearly retains the role of councils in initiating amendment to development plans and avoids the adversarial and expensive delays which would have resulted if the amendment moved by the Democrats had prevailed. This amendment clearly reinforces the government's commitment to ensuring that local heritage places are clearly set out and involve a completely transparent process.

I reiterate that heritage has long been a passion of mine. It is certainly a very important issue for my community. It is heritage which has defined, and in fact still defines, my electorate, which recognises its importance to the state's history. Kensington and Norwood was the oldest municipal council in Australia, having been constituted in 1953. It was second only to the Adelaide City Council, which was the first capital city council in Australia. I mention my former council again, because we recognised very early the importance of local heritage and in fact commissioned a survey of the area which identified approximately 4 500 buildings to be of significant importance.

In an unprecedented move we also made the entire suburb of Kensington heritage listed and, while this was considered to be controversial at the time, the residents who now live there have reaped the benefits and, in the main, have been spared the scourge of the dreaded neo Tuscan architecture—or should I say what is wrongly promoted as a example of architecture which in no way resembles the original. Anyone who has been to Italy can attest to this. It is a delight to walk around the area and enjoy the sight of the many beautiful old buildings which have stood the test of time and which have made the area one of the most desirable and sought after in the state, as can be seen from the real estate pages. This should allay the fears of all those people who think that heritage listing of buildings actually devalues them. In fact, it has quite the opposite effect, and those of us who were lucky enough to invest in property now not only have a valuable asset but also enjoy a wonderful quality of life in a beautiful suburb. I fully support the amendment and I support the bill.

The Hon. I.P. LEWIS (Hammond): I have noted that the member for Davenport and the minister, by dint of their acquiescence in the face of the remarks being made, have consulted with each other and, while this is commendable and a good illustration of the way in which parliament can achieve desirable outcomes, if the best ideas presented by members, in consequence of their own thoughts, as well as in consequence of whatever consultation they may have done with citizens, as well as organisations that have views to express, can give us the best outcome, nonetheless, it is regrettable that they do not see me as being in any sense relevant in that process. Right now, quite apart from the fact I would have served willingly on the committee, I am the only member in this chamber who does not have some higher office as a parliamentary secretary or committee membership, yet there are several members in this chamber who have membership of several committees of the parliament that are statutorial and paid for the purpose. Whether or not they all attend is another matter.

In development matters, a particular case in point was referred to today, where a public works project, to which the government provided information about the Queen Elizabeth Hospital—a major development—and the extension of that development, was given to that committee. Neither of the Liberal members of that committee had any knowledge of it.

So, it is a salutary comment on the extent to which they take an interest in the specific information provided to them as members of the committee. That was clearly the case where, in question time, it was outlined to the house that this was no big deal and it was no news, yet neither the member for Unley nor the member for Schubert knew anything about it. They expressed surprise that they did not know. Well, so much for parliamentary committees that are seen by some people more as sinecures than they are as an opportunity to serve. This bill involves parliamentary committees, and I will have a bit more to say about that in a moment.

I wanted to address one of the matters to which the member for Davenport, in his quite well considered dissertation on the legislation—and in the process of making the remark I place on record my congratulations, craving your indulgence, sir, to allow me to do so, on his elevation to that post as Deputy Leader of the Opposition. I was particularly interested in his views and the distinction that he drew between them on behalf of the Liberal Party and the government's views on land development—or land division or change in use, however you wish to describe it—wherein he lamented the fact that the practice might arise where developers would, could or should make a contribution to recreational areas elsewhere rather than in a piecemeal manner slice out a lump of land from within the development that they are undertaking for recreational purposes as open space or whatever.

Frankly, I think that is a good principle, and I commend the government for having first suggested it. I regret now that that has been removed because, as it stands, we have open space, and we do not have the means at local level for the development of it, or for making better use of it in the public interest. That does not mean that the open space all has to be built out with recreational facilities of one kind or another, but it does mean that it requires appropriate maintenance to make it safe for people to use it.

It strikes me then that if, instead of alienating an area of land from building development in a new subdivision, the developer were able at the request of council to make a contribution to council funds in a way which would mean that existing open space was more effectively developed for public use, that that would be a good thing, and a good idea. That will no longer be possible. I make the point, though, that if were to be done, it ought not to be done as an up-front payment of cash. All that does is make the banks richer, and makes it more expensive for the ultimate buyers of the property—be it for housing or for industrial purposes. They have to borrow more because the price of the extra capital that is borrowed by the developer to pay to the council has then to be spread out across the developments in the pricing that is put in place to sell it and make the development viable. Nobody is going to do development work for the fun of it; it is just not fun. It is done by those who have an interest in it, and done by those who believe that in the process of doing so they can deliver to the market, at whatever the market is prepared to pay for the ultimate development that is undertaken, land and facilities for a profit to themselves to cover their risk in doing it. If you do not have that incentive of profit, you will not have any development that the public will ultimately be able to afford.

The development that is undertaken at public expense by either local or state governments, or some combination of the two, is all too often bureaucratically driven and not with a regard to efficiency, so the ultimate price is much higher. It is certainly more dangerous to use that approach. It is better to leave the private sector to obtain the capital from whatever source is available to the individuals or firms, and allow them to take the risk of undertaking the development, and enjoy the profit if there is profit to be made.

I return to the point that I was making. The money which is then to be obtained, in lieu of the open space that would otherwise be insisted upon, can be obtained at the point and at the time of sale, and the legislation ought to facilitate that. At that point, there has not been the necessity for the developer to borrow capital at a higher interest rate and to compound that interest over the period of time it takes from the procurement of the land and the procurement of the approval to the time that that can then be marketed.

It is all very well to say that you could sell it off the plan, but even that means that there is a lag and that there are other on-costs that have to be added to the increased expense of providing that money up front. It is better to allow the incremental amount necessary to be allocated by the developer to each of the blocks at the time that they are sold—or each of the titles that the developer then sells off—to pay for that improvement of existing recreational facilities or recreational space in the interests of the community's needs, rather than having lots of vacant land that is not really serving the needs that the community has. The community has no means, and local government has no means, really, of raising the money to provide for the cost of that development.

I should have thought that was a good way to go, and that is where I differ from the member for Davenport. The land management agreement could easily have included that as a provision in the legislation, although I guess it did not occur to any developer to suggest it, or either those people within the government or the opposition to include it. I share the concern expressed by the member for Davenport about the way in which natural resource management boards might now be influenced, where they have some measure of control, and the way in which they might now be influenced by the minister, whomever that may be, from time to time. I repeat, as I have said on other legislation: the minister of the day will not always be the minister and, whilst nobody would question the integrity of the decisions that are being made by the minister of the day—it would not be proper to do so—that cannot always be said about ministers in the future.

Sir, you and I both know, and we have seen it in our time here, that there is a view abroad that, when people are sworn into the offices they take in this place as ministers and leaders of one kind or another, they say that if the regulations, rules and legislation do not say you cannot, it must mean that you can. In that case the minister will use the power that the minister and the minister's advisers have to say to these individual members of natural resource management boards or to imply to them—wink, wink, nod, nod—'Do it this way' or, 'Wouldn't it be lovely if—' and those board members, who owe their position on the board, will get the message. They will do the minister's bidding more often than not rather than exercise their independent separate judgment and, in doing so, resolve what to do by discussing their opinions through due process in meetings with the other members of the board and determining by the democratic means at their disposal what ought to happen. So, that process is subject to the most subtle (and, indeed, it is less subtle these days than it used to be) form of manipulation, bringing about corrupt decisions. I am not saying that money changes hands: I am saying that people get favours done for people by means that are not considered by the wider population as being due process and in the spirit of what was intended and what the

public believed they were getting instead of what they ultimately end up with as a process.

I support the general direction in which the legislation takes us, and I do not want any member in this place—government, opposition or Independent, including yourself, sir—to get the impression that I am opposing it. I am not. I am simply drawing attention to ways in which it might have been better than it is without that costing the government anything in political support or costing the opposition anything in kudos for its approach to the legislation either. It sets out the rules for planning and development panels in this state; that is, as the member for Norwood has pointed out, councils will be required to have private building certifiers determine whether things are done according to Hoyle. That is good, because it will increase the level of confidence which the ordinary citizen and small corporations can have in the integrity of the outcome of the developments and the structures that they find on them than has been the case up to date.

No-one wants a repetition of disasters but, at the same time, everybody abhors red tape and overkill. I do not want to see red tape and overkill take over where the means of delaying something, for whatever reason, is available just because an officer of council may say, 'I am not going to put it on my head that this is acceptable or not. I am going to seek out on every occasion at the expense of the developer some independent audit of the proposed components that are to be used wherever buildings are to be constructed, or whether land cut and filled to change the surface and shape of the land to make it possible to provide better amenity value on that site, is a safe and sensible procedure.' Commonsense still needs to apply.

The legislation impacts on the PAR procedures of the Development Act 1993, and it is fair to say that it aims to ensure that local heritage policies are clearly set out and involve transparent processes. That is no bad thing. The minister at the bench said, about a month ago from my recollection, that the government considered the amendments which the Democrats and the opposition had filed on sustainable development and, therefore, intended to move amendments to this bill relating to the listing of local heritage properties and that those amendments would require councils to simultaneously undertake a local heritage survey by a prescribed person and prepare a draft PAR so that the current delays in the listing processes are overcome and, secondly, that it would enable a council to remove a recommended place from the list before public consultation, if this can be justified and the community is informed that the council has taken that action. Fine.

The third thing that the amendments might require is that there be a provision that the public and the land owners are given an opportunity to make submissions to the council on the proposed listing of the heritage property. A further point that needs to be made in addition to those three is that such PARs will be placed on an interim operation for up to 12 months to enable full and proper debate and consideration without fear of premature demolition. That is okay as long as it is not resorted to in every instance just to hold up someone you do not like.

In general, I believe that it is heading in the right direction. There should be a means by which a more rapid resolution can be obtained by the proponent of the development, and it will retain the ability for the ERD Committee of parliament to review the process and hear submissions from interested parties. The sixth point I make is that it retains the role of councils to initiate amendment of development plans. I hope that the ERD Committee is not going to take over the role that the minister otherwise had, because the ERD committee will do the bidding of the dominant members on it and the decisions and debate about that will be undertaken behind locked doors.

No member of the committee can be brought to account in the parliament. It is a committee as a whole, so that no person or member of the parliament on behalf of constituents can say anything about it. I think anything that lessens delays by council in listing heritage is a good thing, as heritage gets older all the time, and that is axiomatic. I draw attention to my support, and I have no interest whatever, financial or anything else, other than my belief in the necessity to secure and preserve items of significant heritage value in our state. I draw attention to what happened to the Tomatin McRae Association in the Onkaparinga council area near Aldinga, with respect to the listing of the Aldinga church, the church to which it was improperly given, in my judgment, against the law and against the trust.

That still remains a contentious point for me. Even though parliament expressed its desire to have the thing preserved, the council ended up having to list it, and the Presbyterian Church could appeal to the Minister for Urban Planning and deny it. Luckily, and commendably, the minister did not, and I thank her for that. I repeat that I have no interest in it other than that I believe that it needs to be preserved, and she has seen to it that it has and it is commendable that she did. Where parliament has already expressed its view on there being a heritage solution, the possibility of that being subsequently denied by parliament after a PAR listing is a bit ridiculous, and that is the reason for my drawing attention to it now. I wonder whether there is any provision in the act for the government of the day to make a recommendation on heritage listing to be taken into account to stop it going backwards. It is back to front.

Time expired.

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank those opposite for their general support of this bill in its current form, having divided the provisions from the original development bill and brought it forward as the most non-contentious and most significant changes that need to be made in light of the inquiry into the golf club collapse, and also allowing a whole range of areas that will provide simplicity and some consistency in providing understanding by both developers and councils. I will confine my comments only to the matter about which the member for Davenport has foreshadowed his desire to bring forward an amendment, and that relates to local heritage listing. There is a view that this is in opposition to the independence of local government, but that is not meant to be the case.

The member for Norwood and I are very supportive of the right of local government to determine the outcomes and planning conditions within its community, with community consultation and proper investigation. What is apparent is that some councils do not always follow the process that we would want them to follow and do not show the level of consistency that allows the community to understand what is happening to their property and what may or may not be development sites. To do that, one needs a professional survey of potentially heritage-listable properties, and that should be done by someone with skills. The risk of allowing a council, as described earlier, to make up a list without

expert advice is very great and, similarly, those councils should not be allowed to make deletions to the proposed list without cause or proper advice.

In fact, that is a recipe for the sort of adhocery that drives developers insane. With these suggested amendments that I have put on the table, we would want there to be some protection. The risk that we have seen in some council areas is that heritage surveys are performed, there is a dissenting view, and debate and resurveying is carried out, only to result in the publication of the entire proposed list, so that those property owners who might seek not to have their property listed then have an opportunity to submit planning application and demolish those properties. We might argue that property owners have the right to demolish properties that they own, but the whole point of a heritage listing provision within any bill is to protect and conserve the nature of a community.

Once those properties are identified as having heritage significance, if they are publicised and the owners are allowed to demolish them, the whole context and nature of the listing and the community's input, as well as the appearance of the suburb, is changed irrevocably. Certainly, in places such as Adelaide and Norwood, the streetscape features of a community are valued. They add value to property. They are of tourism significance, in that people come to look at them, and they are part of what makes our community attractive for visitors, for migrants and for our own residents, who like to know the history and provenance of their suburbs.

In fact, if one looks at some of the more recent activities of a council not too far from here, and I quote the newsletter from the North Adelaide Society of September 2005, the Adelaide City Council examined 800 properties as potentially being of local heritage value: 230 were identified by the McDougall and Vines expert report as being of local heritage value and 142 of those properties, where there was no objection to listing, were put forward as listable. However, where there were 125 objections to listing, a second expert was employed. Forty-nine properties were disagreed to by the second heritage architect compared with the first and the council deleted those properties, and although the second expert said that 56 properties were of value and should have been listed they were still struck off.

That appears to be exactly what the member for Davenport was referring to when he suggested that the council would be within its rights to strike off properties without due cause. Under these circumstances, two separate heritage experts recommended properties for listing, but it appears that the council, without any explanation, decided not to list those properties. So, of the original 230 only 147 (I understand from this document) were sent on to the minister as being worthy of listing.

Those sorts of sagas undermine the necessity for the transparency and consistency of heritage conservation and make a mockery of the whole process unless some attempt is made to at least protect such properties while due process occurs. That process, of course, is to allow further consultation and assessment and a considered decision to be made by the council to delete those properties which they have due cause to delete from a potential list. We will discuss that matter in committee.

I thank the member for Davenport for offering his support for the general thrust of the bill. I suggest that we will be able to dispatch these few amendments with some rapidity because this appears to be the only area in which we are in dispute.

Bill read a second time.

In committee.

Clause 1 passed.

Progress report; committee to sit again.

MINING (ROYALTY No. 2) AMENDMENT BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT DEBATE

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I move:

That the house do now adjourn.

REMEMBRANCE DAY

Mr SCALZI (Hartley): Today, I would like to reflect on Remembrance Day, which was commemorated on Friday 11 November. As the house was not sitting, I did not have the opportunity to do so at that time, and I believe it is important that Remembrance Day is recorded in *Hansard*. Many members attended various ceremonies in their own electorate. I commenced with a function at the Norwood Town Hall, which was also attended by the member for Morialta.

Ms Ciccarello: And the member for Norwood.

Mr SCALZI: And the member for Norwood. Mayor Robert Bria launched an exhibition entitled 'A Nation to Arms'. I also attended the Remembrance Day ceremony at the Cross of Sacrifice at Felixstow together with Clarry Pollard, President of the Payneham RSL and other members of that branch. As an affiliate member of the Payneham RSL and patron of the Glynde RSL I am particularly honoured and privileged to attend many of their functions. Father Alan Winter led the service, and the local children from East Marden Primary School; Vale Park Primary School; St Josephs, Payneham; and St Josephs, Hectorville participated in the singing of hymns, wearing poppies they had made. East Marden Primary School and St Josephs have had a long association with the Payneham RSL on not only Remembrance Day but also Anzac Day, and it was particularly pleasing to see the awareness of and respect for our history demonstrated by these children.

I am particularly concerned that this year the media did not pay as much attention to Remembrance Day as they could have. I think far too much was made of the Remembrance Day of 1975, which was more political, and that we should concentrate on how Remembrance Day first came about. In times like these we are only too well aware of the threat of terrorism and the need to support and protect our multicultural and democratic society. It is vital that we observe Remembrance Day and reflect on the sacrifice of all those who gave their lives in the First World War and the Second World War and more recent conflicts to defend the freedom that we hold so dear. I know, Madam Chair, that you concur in those thoughts.

I particularly pay tribute to the RSL sub-branches in my electorate and in particular the presidents and all their members: the Glynde RSL, Mr Allan Hudd; the Payneham RSL, Mr Clarrie Pollard; Kensington Park, Mr Murray Stock; and the Magill sub-branch, Mr Ken Kain. These sub-branches are very active in the community. What pleases me most is their association with the schools. As I said, for a long time I have been involved and seen first-hand the association's South Australian competitions with primary school children.

Indeed, I am aware that on Remembrance Day this year all the other primary schools as well as the secondary schools commemorated Remembrance Day. I would like to thank the principals in my electorate who played such a significant part in these commemorations, that is, not only Remembrance Day but also Anzac Day ceremonies. These schools and their principals were the East Marden Primary School, Ms Maggie Kay; East Torrens Primary School, Ms Sandra Maugher; Vale Park Primary School, Ms Marian Paleologos, who was also there at the ceremony; St Joseph's School, Hectorville, Ms Leanne Carr; St Joseph's School, Tranmere, Mr Paul Murphy; St Joseph's School, Payneham, Mr Laurie Sammut; and Sunrise Christian School, Mr Kym Golding. The secondary schools were Norwood Morialta High School, Ms Panayoula Parha and Pembroke School, Mr Malcolm Lamb.

I know these principals and their schools do their utmost to support programs which promote commemorations such as Anzac Day and Remembrance Day. I believe we can never do too much to reflect and remember those who have made the ultimate sacrifice, as they did in the First World War—the first Remembrance Day—and, of course, in the Second World War, and conflicts that have occurred since. I am pleased to see that, over the years I have been a member, activity in both private and state schools has increased in civic education and in paying particular attention to our history and, of course, remembering—as I have said—those who have done so much to promote the free and democratic society which we all enjoy. I commend those principals and those schools for their participation and contribution, but particularly the RSL sub-branches for their spirit of cooperation with the schools and the young people they encourage to be involved in those ceremonies.

As I said at the outset, these young people attended at the Cross of Sacrifice at Felixstow at the ceremony principally organised by Clarrie Pollard and the Payneham RSL. I have seen it at Anzac Day and I have seen it at Remembrance Day. To see young people with commitment and involvement I think tells us much about our young people and their appreciation for what sacrifices our servicemen and women have made in the past and continue to make in recent conflicts for the wellbeing of this country and this society and the freedom we all enjoy. I thought it was important, given these particular times, whereas I said at the outset, there is the threat of terrorism, that we do have this commitment from our young people. They should be commended and applauded for what they are doing to reflect on Remembrance Day.

Motion carried.

At 5.59 p.m. the house adjourned until Tuesday 22 November at 2 p.m.