HOUSE OF ASSEMBLY

Thursday 24 November 2005

The SPEAKER (Hon. R.B. Such) took the chair at 10.30 a.m. and read prayers.

VISITORS TO PARLIAMENT

The SPEAKER: I welcome to the parliament this morning visitors from the William Light R to 12 school. The Minister for Employment and Training is their host. Another group from the same school is coming in shortly. I do not know if they are here yet, but there is also a group from St Aloysius College, hosted by the Minister for Education and Children's Services. We welcome them to the parliament and trust that their time here is informative and enjoyable.

BROWNHILL AND KESWICK CREEKS FLOOD MITIGATION STUDY

Mr HAMILTON-SMITH (Waite): I move:

That this house-

(a) condemns the Government on its failure to deliver the Flood Mitigation Study for the Brownhill and Keswick Creeks in 2005 as promised;

(b) notes that the Study will unlikely be completed until after the next state election in March 2006;

(c) expresses its alarm that only $4 million per annum has been provided for flood mitigation and that the tens of millions of dollars required to protect the city of Adelaide is not provided for in the Government's budget papers or infrastructure plan; and

(d) calls on the Government to show leadership on flood mitigation plans and reverse its decision to refer the matter back to local councils.

Deja vu, Mr Speaker! Deja vu! I am reminded of the motion I moved on 23 February, calling on the government to show some leadership on planning for flood mitigation. What was the result? The government ran away. First of all it told the parliament that it would not budge and, two days later, it ran away from the problem, backflipped, and completely abandoned its involvement in planning for flood mitigation, threw it all back to councils and blamed the councils; and, a few weeks later, the minister responsible resigned, saying she was too busy.

The government has known about the problems of flooding in the Brownhill and Keswick Creeks since it came to office. Now we have had a result delivered. We have had a one in 20-year flood, in some areas a one in 50-year flood, and in some waterways a one in 100-year flood. The Mitcham council, which I represent, is outraged, as is the Local Government Association. When I first raised in the house the issue of the flood mitigation study in Keswick Creek being delayed, the Minister for Infrastructure said that I was wrong.

It has, in fact, been delayed until at least February-March 2006, possibly after the state election. If the minister does not believe me, he can check with the Patawalonga Catchment Board. The minister signed off on a glossy brochure last week. It was not the Flood Mitigation Study Stage 3 master plan that we were promised for November 2005. Maybe he should have attended the briefing, along with other members, in February 2005, when he would have known what was going on. If the minister is really determined to prove that is wrong, perhaps he will speed up the process. I certainly hope that he does.

When asked questions on 9 November about what the government was doing about this, the Minister for Infrastructure said that the opposition was running around with a story for a couple of days that the Brownhill-Keswick Creek work had been put back until March. Not only is that not true,' he said, 'but the first part of the work is finished,' and a couple of days ago he signed off on a glossy brochure, sent it to people, and went on to imply that this would solve the problem. 'It will be out there,' he said, 'I say within a week or two.' Well, we got the glossy brochure, but it certainly did not contain any solutions.

In answer to a further question that day, the minister was asked whether he could confirm what they would be doing to solve the problem of flood mitigation and planning. He accused us of inferring wrongly that the plans had been delayed until March. He said that was a untruth. In fact, it has since been confirmed by the Patawalonga Catchment Board that the plans have been delayed until March. Indeed, the glossy brochure that has gone out makes that perfectly clear: Stage 3 will include a more detailed assessment of priority works, components, and the production of the revised flood plain mapping to reflect the benefits of implementing the priority works. Stage 3 has not even started yet. It has been delayed. There is no completed mitigation plan, and there is simply no funding evident to address the mitigation works that are so desperately required.

As I said, this matter has a long history. As I mentioned, I raised this back in February. I want to clarify my earlier remarks, when I drew to the attention of the house that some weeks after raising it in February the minister at the time resigned. I am not implying that there is a connection there, and I withdraw any inference that it may have been connected.

Members interjecting:

Mr HAMILTON-SMITH: Well, I withdraw that and I apologise for that. I don't know whether there is a connection.

The Hon. K.O. Foley: Well, don't say it then.

Mr HAMILTON-SMITH: I don't know.

The Hon. K.O. Foley: Don't imply it then.

Mr HAMILTON-SMITH: That's why I am clarifying it, minister. Okay? I don't know. I simply know what occurred. I don't know, so if any offence has been taken I apologise for that and withdraw. I do not know the facts of that.

Members interjecting:

Mr HAMILTON-SMITH: I have withdrawn it, all right? So, let us move on. What I do know is that the government backflipped. What I do know is that the government had an opportunity to go back, consult with people and sort out the planning issues at the Brownhill and Patawalonga Catchment Board. They got up in the house and said that they would not do it. Two days later they completely backflipped.

I understand there was quite a stink about it in the government caucus, because a couple of electorates in the government are vitally affected by this—in particular, the electorates of Ashford and West Torrens, and I am sure those members would have had quite a lot of say about it. I do not know for sure what happened after that. I do not know the exact details or the exact reasons, but I do know that we now have the matter dealt with by, it seems, three or four ministers. The Minister for Environment and Conservation has made comments on it, the Minister for Local Government has made comments on it, and the Minister for Infrastructure has made comments on it; people do not know who is running the show when it comes to flood mitigation and planning. That is the mess we have now.

We have seen the spectacle of this government trying to blame local government for the entire problem. Well, local government is not to blame. There are two parts to this problem, planning and flood mitigation, and neither has been addressed by the government. There are people here in the chamber today who have been flooded, whose lives have been affected by this oversight and who are here today to hear what the government has to say about it and what it is going to do to fix the problem. I hope the minister and the Minister for Infrastructure will come in and tell us exactly that, because blaming local government is not the solution.

Tragically, on 17 November 2005 many areas in metropolitan Adelaide, the Adelaide Hills and the Gawler-Virginia area experienced a devastating flood, as we all know. Now, the glossy brochure that the Minister for Infrastructure signed says, 'There has been no major flooding in Brownhill or Keswick creeks since 1930' (tell that to the residents in light of what happened consequently) 'when a flood close to the 50-year flood occurred'. Another flood occurred in 1925. More recently it says, (1998 and 2001) there have been floods close to the 10-year flood in a number of locations, including Mile End, where flood damage occurred.' How silly is that? There has certainly been a massive flood since then, before this brochure even went out. It is absolute nonsense. The brochure tries to dismiss the whole issue by saying, 'Don't be concerned. The chance of a flood in your area is, in the case of a 100-year flood, 1 per cent; in the case of a 20-year flood, 5 per cent.' Well, I am sorry to tell the government but there are people here today who are part of that 5 per cent.

Engineers Australia have, since the motion I moved in February, come up with a report that rated our stormwater infrastructure as a D, a massive fail—and I encourage government members to read what the engineers have to say. They have said that $4 million is clearly not enough to address the issues and that more money needs to be put into it, and they have given a figure of around $160 million of mitigation works required. They have talked about the need for data collection, for a single stormwater authority, funding (as I have mentioned), planning controls, asset ownership and urban stormwater master planning. All these issues need to be picked up and addressed by the government—and they have not been.

The cost of the flood mitigation works for Brownhill and Keswick Creeks alone could be as much as $55 million and, as I have mentioned, across the whole of the city $160 million. The 50:50 funding between state and local government that has been proposed—currently $4 million—is clearly insufficient. How is the government going to fund it, will there be a levy, will any commonwealth funds be available, and will legislation be needed to provide for the mitigation works to be approved and funded? I remind the government that there is only one more sitting week left for it to come out and tell the community how it is going to deal with the planning problems and the mitigation problems.

How long will the works take? A public meeting was held on 16 November in the Unley-Mitcham area and these matters were raised. Residents are being told that it could be three or four years before anything is done about it; even if the money was available tomorrow they are being told that it could be years before anything is done. Three years is too long if we are trying to protect people from a one in 50-year flood. We have just had one enormous warning shot in the form of a one in 20-year flood in that creek alone; in Waterfall Gully it was far more severe. Will the government at least commit to immediately funding high priority works, such as the two mitigation dams in Brownhill Creek, at a cost around $12 million or does it have some other flood mitigation plan in mind? The people who have been flooded would like to know.

Some of the stories are quite heartbreaking. The events of that day caused Mr S, of Leonard Terrace in my electorate, to have a heart attack; Mrs K in the same street was flooded, with 6 inches of water through her entire house; Mrs L of Lochness Avenue, Torrens Park, had a chair lodged four metres up a tree in her backyard, extensive flash flooding and her property ruined; there was Mrs W in Denning Street, Hawthorn—all these people have endured great tragedies. There was one elderly lady who could very easily have drowned in the night during the flooding; she had to be woken by neighbours with the water lapping at her bed. She is movement impaired and her life was very nearly put in jeopardy. The council tell me (and I would like to commend Mitcham Council for what it did in response) that her property may need to be demolished.

The problems in Gawler have quite rightly received a lot of coverage, but down through Mitcham and Unley there have been equally tragic stories that have had an effect on people's lives. All of these could have been avoided if the government had not run away from the problem earlier this year, had accepted its leadership responsibility to get back involved in the planning process, and had shown some leadership. If it is up to councils to do certain things in respect of planning, that is fine; whatever is up to state government, let it do its part. However, someone needs to get in, roll up their sleeves, show leadership and guide the councils forward, and someone needs to find the money for the mitigation works. We do not want endless arguments about who is going to pay and who is responsible; it is too late after the flood.

The state government has the money; it is awash with cash. It is spending $21 million on tramlines down King William Road, it will spend $100 million on opening bridges at Port Adelaide, and it has received an absolute windfall from GST revenues—an extra $148 million of unexpected revenues in this year alone.

I have written to the Premier and to the Minister for Infrastructure seeking an assurance that flood mitigation funding would receive a priority. That was in the two weeks before the 7 November floods. I have received no response. I have invited the Minister for Infrastructure to visit my electorate and inspect the worst-affected areas. I have received no response. I acknowledge that the government has introduced a stormwater policy and has been consulting with local government in relation to a binding state/local government agreement over stormwater management. Discussions have taken place about this new entity but it is all talk, it is all waffle. What we need is a result to be delivered. What we need is some funding. What we need is for the government to pick up these two issues of planning and flood mitigation.

If it does not, the people who are here today and the many others who are deeply concerned about this are facing the risk of having their houses further destroyed by flash flooding. Of course, it is not only in Mitcham and Unley. What comes down through Mitcham and Unley finishes up in Ashford, West Torrens, Morphett and even in Colton, in some cases. It heads to the sea. I understand that in these floods those electorates were not as tragically devastated as those further upstream, and there is a range of reasons for that. However, there is no guarantee that next time that will not be the case. This is a matter that affects everyone. I ask members to

support my motion. I call on the government to get off its backside to get involved again and solve the problems of planning and mitigation.

Time expired.

Mr CAICA (Colton): Just by way of background—and the member for Waite touched on this—the flood mitigation study for Brownhill and Keswick Creeks is a joint initiative of the Patawalonga Catchment Management Board and the catchment councils. It is being undertaken in three stages. Stage 1 has involved wide-ranging technical investigation and a review of the catchment, with a number of measures being identified to reduce flood risk. A rigorous assessment has been undertaken to shortlist priority works and initiatives, as you would expect to be the case. The assessment included technical viability, estimated cost of implementation, level of flood risk reduction, potential for stormwater reuse and improved water quality and biodiversity. That stage is actually completed, for the information of the member for Waite.

Stage 2 is a community consultation phase. I know that the honourable member would support a consultation phase because, throughout his presentation to this house, he said that it is a matter that involves and affects everyone, and that is right, so it needs to go through such a consultation phase. It is an opportunity for the community to provide feedback on information provided and worked out through the stage 1 investigations. The government did distribute a brochure on 19 and 20 November, which the member for Waite referred to. It is going to be distributed on two community information days, one last night and one in a couple of days' time.

Stage 3 involves a more detailed engineering assessment and hydraulic modelling of the agreed priority works and a revision of floodplain mapping to reflect the benefits of their implementation. This final stage is commencing and will formally recommend a flood mitigation scheme. The consultants have advised, I understand, that a stage 3 report will be provided in June 2006. Stage 1 is completed; stages 2 and 3 are under way. Information is being made available to the community on work undertaken to date. One thing that I did note is that the member for Waite is alarmed at the current level of state funding, that is, the $4 million allocated per annum to the catchment management subsidy scheme, and the need for tens of millions of dollars to be provided to protect Adelaide, I think were his words.

I would like the house to note that in 2000-01 and its subsequent year's budget the previous (Liberal) government cut the level of CMSS funding subsidy to local councils to $2 million. It halved it: whacked 50 per cent off per annum. The contribution that is the lasting legacy of the previous government was to halve state government funding to councils for stormwater management. It is a shame that the member for Waite has become a caricature—

Ms Thompson interjecting:

Mr CAICA: I understand that, but I am talking about the member for Waite's contribution: he who should be king. He should understand that it was the member for Unley (in his capacity as the relevant minister) who cut the level of funding by 50 percent: the opposition's lasting legacy as to how to manage stormwater in this state. As a backbencher who was identified as having one of those electorates that may well be affected in major flood circumstances, I agree (and I know that our government agrees) that the level of funding and government arrangements are not delivering the best value outcomes for the community. We accept that, and that is why we are acting to improve the situation for the benefit of the entire community and the state as a whole.

It is a whole-of-state responsibility. It needs the cooperation of all councils. It needs the cooperation, input and funding to come from the federal level as well. It is a responsibility that all levels of government should take and work cooperatively to achieve a suitable outcome. That is why we currently are consulting with local government on a new way forward, and I had no problem with the comments made by the minister recently in relation to recalcitrant councils. What I have learned in my time with the NRM Committee is that, depending on where you sit in the catchment, you say there is no trouble. The higher up you are, where you get decent rainfall and it can flow away to other areas, you say, 'What problem? there is no problem.' The further down the catchment you go, you say, 'There most certainly is a problem,' and the member for Waite failed to identify that.

Many of my constituents have identified that, and we saw this in the prescription of the Eastern Mount Lofty Ranges: 'There is no problem.' Of course there is no problem, because water flows away from your property down to other areas where it is taken on the way and there is no water down there. This is the reverse of that particular situation, but the principle remains. I believe that our government has shown more leadership and willingness to tackle stormwater management and flooding problems than any other government for decades. We are not referring anything back to councils and, therefore, have no decision to reverse in this matter. We are seeking a cooperative approach to ensure that we all work collectively on a problem that the member for Waite has identified affects us all.

If it is a problem that affects us all, we have to work cooperatively and collaboratively to come up with an outcome that everyone can agree with. That is why we simultaneously need to involve the federal government, to ensure that it understands that it also has a responsibility in this regard. The member for Waite talked about the flooding experience in Adelaide and the Gawler River during the previous weeks. It did heighten everyone's awareness of Adelaide's vulnerability with respect to flooding. It has created a lot of media interest, with fingers being pointed and blame being apportioned. I am not into blaming anyone. I am saying yes, there is a problem. The people on this side of the house are willing to accept that there is a problem, and we have been very vociferous in that regard. So, let us get about fixing it properly. We would enjoy and, in fact, welcome the input of the member for Waite and his team over there—I am sorry: it was meant to be his team, his people over there—to work in a bipartisan way to address this problem, not just to apportion the blame.

I would like to explain as best as I can the government's position on these matters. Irrespective of the rights or wrong of past practices, the reality is that, apart from major trunk systems in the Torrens, Sturt and Onkaparinga river systems and a few other exceptions, the majority of the network of stormwater drains and creek systems throughout metropolitan Adelaide have been constructed by local government, are owned by local government and are managed by local government. Some creek systems are in private ownership, which, of course, makes it even more difficult to manage it, and the member for Unley understands that, as a former minister. In fact, I would refer back to the Weekly Times Messenger of 24 May, which stated that the City of Charles Sturt had undertaken a fairly thorough mapping process to

look at what will happen in their areas in one-in-100 year, one-in-50 year, 1-in-25 year and 1-in-10 year rain events.

The CEO, Mr Peter Lockett, who is very well-known to members opposite, said in this article, '. . . councils across Adelaide have been underspending on drainage for the past 30 years, and Charles Sturt's problems were mainly related to the area's development boom in the past 40 years.' He is quite correct. He stressed that a one-in-100 year flood had a very low likelihood of occurring, and we know that that is the case, but it can and will occur. In fact, he has identified as well that there has been underspending. We as a government know that we have to spend more, and previous governments should have spent more, to address the problem. We are committed to doing so, and it will be a collaborative and cooperative approach to fixing the problem.

The practice over many years has been for state governments to provide a subsidy to councils towards the cost of larger drainage systems. Councils then undertake the works, own the drains and manage the systems. We saw the efforts of the previous government in reducing the level of funding it was providing by 50 per cent, and the member for Unley may well have had his fingerprints on that. It was cut by $2 million, which was a 50 per cent cut to the money that was provided and which is a lasting legacy of the previous government with respect to the way it wishes to manage stormwater in this state.

Many of the councils have done an excellent job in managing the systems within their council areas and, in some instances, across council boundaries. We know that water takes the course of least resistance, and that is why we need a collaborative and cooperative approach. It is no use for any council to say, 'Look, it is not my problem, because it has flowed out of our council area.' That is just a nonsense. To that extent, I support the comments made by the Minister for Infrastructure. They were not directed at councils as a whole but at those recalcitrant councils which believe that, if the problem does not exist in their area, it is not one that they need to deal with.

I want to place on the record that most councils have been responsible and have done the best they could within their available resources to manage their stormwater systems. I would also add that the City of Burnside, despite having to cope with the drainage problems in Waterfall Gully from time to time, does manage the stormwater flows through their area in a fairly effective manner. In particular, the City of Burnside is using public reserves in the council area to capture and slow down stormwater discharges to downstream councils. However, more needs to be done, and it needs to be done collectively. Despite this good work, the state government knows that the current system is not working as effectively as it could. The difference between this side and that side is that we will acknowledge a problem, admit there is a problem and go about trying to fix that problem, not apportion blame.

The member for Waite talked about Engineers Australia's rating stormwater infrastructure as poor and in need of attention, and we agree with that assessment. That is why we have been working hard with the Local Government Association to come up with better arrangements in the future. I could go on and on. It is a problem that affects all of us. It affects all levels of government, and it is something where we need to work cooperatively and collaboratively to address. It needs money. It is not a matter of apportioning blame and saying that one single entity should be paying for it. Let us accept the responsibility; it is all our responsibility. Let us work together to fix a problem that we know exists.

Mr BRINDAL (Unley): I would like to briefly remind this house that every person is created with autonomy in our being. We surrender some of that autonomy to what is called society and the rule of law, and we surrender it willingly because the law is there to protect and nurture us—

Mr Caica interjecting:

Mr BRINDAL: —and to give us a social contract, as the member says. That means that, in giving up our freedoms, we have the right to the protection of the law. This matter before this house is about the failure of the Crown successively and, in part, all political parties, to protect the people of this state from a foreseeable event. It is quite clear to me that, in this matter, whether it was me as minister or other government ministers in power or back to even Tom Playford's time, the Crown has been negligent, and it owes a duty of care to its citizens that it had better meet. If it does not meet its duty of care to its citizens, its citizens, under the rule of law, have an absolute right to sue the Crown for damages.

I would remind the member for Colton of his own quote, that is, that the problem we have in Charles Sturt is 30 or 40 years of development. That is absolutely right. Who allows development in this state? The state government of South Australia, through the Development Plan, takes responsibility for development. Who approves the development? Under the auspices of this house, every single council in this state. In the approval of the development, what must the council take into account? A council must take into account the adequate infrastructure needs of the area.

So, councils quite clearly, in the member for Colton's own words from their own mouths, have said, 'We haven't adequately taken into account stormwater needs.' This parliament, in saying that we want urban infill—us, you, those before us—have all said, 'We want urban infill,' and have not taken into account the consequences of increasing flood plains and increasing stormwater run-off. This house, the Crown and the councils are all negligent. Unless they fix the problem—

Mr Caica: Collectively.

Mr BRINDAL: Yes, collectively. But when I retire and am not part of this place, and able to stand in this place, then I will join the—

An honourable member interjecting:

Mr BRINDAL: No, you will not forget. I will join the people of Unley and others in instigating an action against the Crown that will cost it dearly, because it will lose. It has to lose because it is clearly in the wrong. So, you can come in here and say, 'Well, we haven't got enough money. Let's talk to the federal government. Let's fix it slowly.' If you do not fix it quickly, you are going to have a problem. Let me tell you that. I will make sure that you have a problem, and I promise you that, and the people here—the people of Adelaide—will make sure that you have a problem, and some of you might not be here if the problem gets to be too great. Let me briefly give my attention to a matter raised by the member for Colton: the matter of my halving of the local government stormwater scheme. Yes, I did, and I would do it again. Why would I do it again? Because $4 million a year was being paid into fixing little corner drains—

Ms Ciccarello: It wasn't in Norwood. We spent lots of money doing big things.

Mr BRINDAL: Oh Vini, Norwood was always perfect under you. It is a pity that you are not still there. The fact is,

$4 million a year was being fought over for corner drains and for tiny little projects that councils should have borne absolute and complete responsibility for and, in the meantime, while it was arguing about $4 million to fix corner drains, retention dams on the Gawler River, and the whole matter of the Sturt River creek, were going begging.

Mr Caica interjecting:

Mr BRINDAL: Well, Barcoo Outlet, very quickly—I did not interrupt the member for Colton, so I promise—

Mr Caica: You did.

The SPEAKER: Order, the member for Colton!

Mr BRINDAL: All right. Well, I did not mean to interrupt the member for Colton, and he should follow my example and not mean to interrupt me. Briefly, let us look at the Barcoo. The Barcoo works. The Barcoo had some initial teething problems, but the other day with all that water coming down into it, how much of a problem was there in Glenelg? None. What is the difference between that holding basin now and before we took government? It is not a stinking piece of sewerage where there are no fish, where nobody can swim, and where there are no water sports. It is an aquatic environment—

Mr Caica interjecting:

Mr BRINDAL: Well, when the oxygen levels changed a multitude of fish died. What is remarkable about that is that prior to that there were not fish living in there of any substantive nature. So the Barcoo has worked. It is working, and it was a good project.

Mr Caica interjecting:

Mr BRINDAL: Was it the right priority?

The Hon. I.P. Lewis interjecting:

Mr BRINDAL: The member for Hammond would know a lot about septic tanks working because he has many of them in his electorate.

The Hon. I.P. Lewis interjecting:

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

Mr BRINDAL: Indeed, the electors of Hammond are not blessed like the people of Unley who do have deep drainage. They also have me as a member.

The Hon. I.P. Lewis: But not for long.

Mr BRINDAL: I think the member for Hammond should take that up with my electors. They always have been happy to let me represent them. We cut the stormwater drainage scheme because it was not adequately performing what it was supposed to do. That is why we cut it. The fact is that this is a problem because people are being flooded, not once but regularly. I will go to court if I have to and testify that as a minister of the Crown I was aware of this problem—

Mr Caica: You will be prosecuted.

Mr BRINDAL: Yes, I will be. As a previous minister of the Crown I will be prosecuted under the Crown, not individually. But one thing I will say when I take the stand is that I drew this to the attention of the government and its departments when there was a big incidence in Unley four or five years ago—a summer rain storm. Some of the members who are my colleagues and friends know that because we discussed it across the chamber. It affected Ashford, it affected the member for Torrens' electorate. It affected a number of us, and we discussed it. So, for the Crown to say that it has not known until recently, is wrong. If the Crown did not know, why has the concept of a holding reservoir in the Gawler River been known and been on the books for a number of years? It shows that the Crown knows that these things are necessary, and for the Crown to say, 'Oh, well, we didn't quite know or we are taking too long to fix it,' is wrong. It is wrong in fact, is wrong in spirit, and is wrong is law. I commend the member for Waite for this. I do regret that I will not be in the next parliament to fight this issue, but I am absolutely confident that people like the member for Torrens, but especially the member for Waite—

Mrs GERAGHTY: On a point of order: I am sure that the member does not wish to mislead the house, but I think he is referring to the member for West Torrens.

Mr BRINDAL: I do apologise. Yes, the member for West Torrens. But some members are lucky because the Torrens Linear Park is, in fact, our first flood mitigation scheme. That is why it was put in place, and those members who are lucky enough to have the Torrens Linear Park have somewhat less of a problem, because there is an example of the government doing the right thing in a timely fashion so that a problem was not allowed to exist.

Mrs Hall interjecting:

Mr BRINDAL: I'm sure; the member for Coles says there are still problems up there. It is a pity that we have not, as a succession of governments, shown the same efficacy in dealing with the problems associated to the north of Adelaide with the Gawler River and, in my case more particularly, with the problems associated with built up residences like Unley. For too long, we have allowed councils to say to somebody, 'Your tennis court is washing away, fill it in,' and create an obstruction in the creek and then let somebody else's land flood. The time has come to stop.

Time expired.

Ms CICCARELLO (Norwood): I would like to make a few comments on this matter. When we had the floods a couple of weeks ago, I was out in my electorate inspecting various areas where the creek runs through properties and under roads. Whilst there were a couple of places that Second Creek runs through which were seriously affected, I was happy to acknowledge (together with the council staff) that we had not suffered the same severe problems that occurred previously when there had been serious floods in Norwood in 1983. It behoves us to remind the community that it was the former Liberal government which reduced the amount of money available to local councils. It is, therefore, a little hypocritical of them now to say that we should be showing some leadership, because that is what we are doing.

I love the member for Unley dearly and the parliament will not be the same without him, but I do remember an occasion during estimates when he lambasted councils for work that they should have done over the years, and he singled out the Unley council. I will not repeat what he said, but it was certainly very uncomplimentary. We in Norwood have put in place several ponding basins, which were able to hold the stream of water that came down recently.

Some members opposite and council representatives have questioned why we described the events of 7 November 2005 as a wake-up call for local government and why the City of Burnside was singled out for specific criticism. The reason the minister made those comments is easy to explain. He was offering to go where no previous state government had been prepared to tread: to set up a collaborative arrangement with local government on stormwater management. On 3 November 2005, the City of Burnside wrote to the minister about its opposition to the proposals presented to it and other councils by the state government and the LGA. The very next day after the minister had received the letter, parts of Burnside and other parts of Adelaide flooded.

That is why the minister has called on the local government sector to work with the state government on this matter. This is the first time that any state government has offered to participate. This great offer has been put on the table, yet the City of Burnside does not want to be involved. It was pleasing to note that Mayor John Rich, the newly elected President of the Local Government Association, has now written to the minister of the state executive's resolve to work with the government to move negotiations forward. I am sure that minister Conlon will be pleased to take up that offer.

The state government understands the need for additional funds to be made available for priority works. It also understands that those priority works are not going to be delivered under the current arrangements and current funding levels. The government is offering to set up new arrangements jointly with local government which will make it possible for contributions from both levels of government to be maximised and targeted towards the highest priority works on a catchment-by-catchment basis. If local councils agree, the government will set up a single stormwater management entity as a vehicle for the borrowing of funds and bring forward priority works. That is a good deal for local government and for the state. The motion moved by the member for Waite shows a lack of understanding on his part of stormwater management systems, the government's position on these matters and our level of involvement. We certainly reject the motion.

As I indicated earlier, some councils have been very responsible over the years, but what alarmed me when I was inspecting some of the properties with council staff two weeks ago when we had this flooding was that quite a few people who have a creek running through their property have built illegal structures over the creek and put themselves and others downstream and upstream at risk. It will be a difficult challenge to overcome some of these issues and get some of these structures removed. I will speak to the minister about that to see how we can possibly address this problem. I think it is unfortunate that people are selfish in their attitude and do not take a more global view of the implications for the rest of the community of the actions they take.

Mr Brindal interjecting:

Ms CICCARELLO: I am glad that the member for Unley said that I was very good with my council, and I would like to think that I am still a very good representative of my community. As I said, I was out there at 5 a.m. inspecting the area. In fact, I was able to alert some of the council staff to some of the problems that were occurring.

Mr Brindal interjecting:

The SPEAKER: Order! The member for Unley has made his contribution.

Dr McFETRIDGE (Morphett): As everybody in this place knows, as the member for Morphett, I can say that flood damage is close to my heart. It was just over two years ago in June 2003 when we had the devastating flood in Glenelg North. Fortunately, the initial estimate of damage of $200 million was revised down to about $20 million, and finally revised down to about $2.5 million. On Monday 7 November it had been raining all day. We left this place at about 11.15, I think, and I went down to the Barcoo to see what was happening. Obviously, I was concerned because of the huge volumes of stormwater that flow down through Brownhill Creek, Keswick Creek, Sturt Creek and the airport drains and end up in our backyard—and two years ago that happened literally. I wanted to know what was happening.

The Sturt River at the ponding basin was the highest I have ever seen it. It was not running into the Pat at that time; the gates were holding it back. Workers from the Department of Water, Land and Biodiversity Conservation were making sure that the inlet grate to the Barcoo was being kept clean of all the rubbish that comes down from the upper catchments. The Barcoo was working exceptionally well. If it had not been for the Barcoo that night there could have been some serious flooding, not only in Glenelg North but also through Novar Gardens and further back through the whole of the metropolitan area in those western suburbs.

As we know, when Colonel Light ventured down from the Hills and along the Torrens to discover where it entered the sea, he found out that it did not do so. That whole area through there is a flood plain. The Sturt Creek used to empty into what is now West Lane in Glenelg North: it did not go down the concrete bed that it is in now. Certainly, the Torrens and all the other smaller creeks that ran down from the Hills through the plains ended up in the swamps and flood plains behind sandhills along our coast, and I believe they emptied out through the Port Adelaide system at Outer Harbor.

The member for Waite pointed out some of the devastation that occurs every time we have floods. If one looks at the web site of the Department of Meteorology, one will see that it is compiling a history of flooding in South Australia. It has recorded 3 200 flood events so far in South Australia's history. Some have been very minor and others have been quite major. We have again seen major flooding in the northern suburbs out Gawler way. We have also seen serious flooding in Unley and other areas in the south-eastern suburbs, and that will not get any better. We saw, too, serious flooding in the area around Murray Bridge when we had serious rain there.

In South Australia we have deluges of rain, and we will keep having them. We will get the one in 100-year flood event, which does not have to be 100 years apart: as happened in Murray Bridge, we could have two one in 100-year events two weeks apart. We will get them in South Australia. It is not a matter of if; it is a matter of when.

As the member for Norwood said, we need to take a global approach to this matter. Local government is not equipped financially to cope with the huge backlog in infrastructure. I was not here in the last parliament. There were opportunities that were not taken up in the last parliament that perhaps should have been taken up, as the member for Colton said, had the priorities been able to be set differently. However, let us not forget where we came from in the last government. We were paying $2 million a day to Belgian dentists, because the former Labor government had lost the State Bank. We were $5 billion in debt and we had lost our AAA rating.

Let us not forget where we were. There were opportunities that we were not able to undertake in the last government because we had no money. We were paying off a huge debt. This government now has absolute truckloads of money. It just does not know what to do with the GST money and the $80 million a day it is pulling in each and every day in state taxes. It needs to start spending it on some of the infrastructure and the people who vote in this state. They did not vote for this government. It was not elected; it was put in under false pretences, and it has done absolutely nothing. It has a truckload of money, and that money should be given back to the people of South Australia and spent on infrastructure—on roads and stormwater mitigation.

Mr Caica interjecting:

Dr McFETRIDGE: The member for Colton said 'Setting priorities—was the Barcoo Outlet a priority?' It was a priority. Stormwater management in South Australia is a huge priority. In relation to the Torrens outlet and the flood mitigation scheme that was established with respect to the perched river, the member for Colton and the member for West Torrens would have been able to hear the noise of the water rushing out to sea through the Torrens outlet: it sounded like a 747. We have seen on a number of media outlets the damage that was done there. The need to embrace stormwater and flood mitigation in South Australia is something that we cannot delay, reprioritise or underfund. The state government has to take the lead.

I congratulate local government for talking with state government and forming a good partnership. However, what is missing is the money. Show me the money! What will local government do to obtain the money to fund $160 million for stormwater upgrades? It will not put up council rates, that is for sure. Where will it come from?

The member for Waite talked about some of the damage that was done in his electorate as a result of flooding. He heard of one heart attack victim. The stress that is caused by this sort of event cannot be underestimated. I would like to thank the staff of FAYS (or CYFS, as it is now) for the magnificent work they did helping people in Glenelg two years ago and what they are doing now. It is terrific work. A lot of stress is inflicted upon people, and not just after the event. It is a little like terrorism: the threat is always there. We have to reduce the risk of the event's happening. The only way we will do so is to declare war on floods, not on all these other things on which people like to declare war. Let us stop the flooding. At least we know that if we spend $160 million we will be able to end the war, unlike many of the other never-ending struggles that we are up against. We can build infrastructure and we can do the right thing for the people of South Australia. We can stop people having to worry, we can stop people having heart attacks in Waite and we can stop people in Glenelg having to bulldoze their homes and rebuild.

What a nightmare that was. In Glenelg North I heard stories of marriage break-ups and of an attempted suicide. We cannot underestimate the stress caused to people who are living in flood-prone areas—and in the metropolitan area we all do; that is the problem. The state government needs to take the lead, take charge and spend some money on this problem. We cannot just wait until the event happens. As I said, the event will happen. We cannot just keep saying that it is someone else's fault and putting the blame on them. We cannot blame local government and we cannot blame the previous government. Let us show some leadership. Let us have a Premier who puts himself up here as a leader; let us see some leadership. It would be a new thing for this man to get out there and say, 'We will do this.' We will not have a plan. We have so many plans, we are having more conferences, conventions and talkfests—

An honourable member: A summit.

Dr McFETRIDGE: That is the word—summit. We need to be having a summit when there are floods, because we will not be safe unless this government does something. We need to have a Premier who will show some leadership here.

A couple of years ago the Local Government Act was amended to allow the South Para dam to be built, because we would have missed out on federal government funding if we did not pass it. I would have thought that, if we had had leadership from the Premier and from this government's various local government ministers, they would have been working on the relationship between the state government and local government and they would have had the South Para reservoir well and truly under way. It may not have stopped this flood, but at least if there are floods in the future they can be prevented. It takes leadership, guts, courage and money. That is the bottom line.

The need to build retention and detention facilities in areas throughout the metropolitan area is undeniably urgent, whether it is the South Parklands or people's back yards by having rainwater tanks or other ways of retaining heavy deluges of rainwater. Having more wetlands built around the place is undeniably urgent. We only have to look at the Morphettville Racecourse wetland and the water that is being filtered through there. The flow is being slowed and water is being stored in underground aquifers to be reused. We need to get smart and very clever about what we are doing. It will take money, but also it will take courage on behalf of the government to lead this state in the direction it should be going and to look after the hard-working taxpayers of South Australia. Give them back some of the money you are collecting from them, and give it back now. Do not wait until it is too late.

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): I am very keen to participate in this debate. I do not support the motion of the member for Waite in condemning the government, but I think the issue is a very important one. Certainly, the electorate of Ashford is in the middle particularly of the Brownhill Creek, Keswick Creek and the airport drains issue. In fact, I have an ongoing dread of seeing the bark chips at my house floating down the street, which is what they did a few years ago. I have a native garden and try to save on the amount of water that we use in our garden, and it was very interesting to have all the bark chips washed away because of the three or four inches of water that was lapping around our house. So, at a very personal level, I am concerned about the lack of infrastructure we have in this area.

Since my becoming first the member for Hanson and then the member for Ashford, it has been very clear that the constituents in both electorates were looking for leadership in this area. I understand, and it really depends on who you talk to, that over eight years the different local governments talked and fought with each other and basically did not come up with an overall plan. So, in opposition, it seemed to me that I needed to do a whole lot of things as the local member. One of those things was to find out if I could get details of the flooding maps. I think it took me six years to get those maps, and I understand why some secrecy surrounded them, because obviously there were huge implications for people's insurance and also who had responsibility for what, because these flood maps have been in existence for quite a few years. So I understand the sensitivity, but it seemed to me that it was perfectly reasonable for us, particularly those who were directly affected, to have that information.

In the electorate of Ashford, we sought information about preventive measures, and I am pleased to say that the councils provide individual property advice for their ratepayers—that is, both the businesses and residents. This advice looks at the particular property and gives ways of preventing a particular property being flooded. I have gone through that process myself with my own home, and I understand that a number of other individuals have done the same.

In our electorate, we have also ensured that people know what some of the practical measures are if you are in a flood

plain area. One is to think about what would happen if you did have three or four inches of water in your house. Obviously, for some people, there would be major problems with electricity, spoilage of food, and also property damage; and there would also be a lot of items that people hold very dear that they need to ensure are placed as high as possible in the house. That includes things such as documents that we all need to survive, and also photographs. So the suggestion in the forums that we have held is that people need to look at their property and think about what would happen if they were unfortunate enough to have water come into their house. We have put together some practical tips on the advice of the Bureau of Meteorology and the emergency services, as well as other people who have to get involved in any rescue or mediation activities.

The issue of insurance is a very difficult one, because I know from my husband's and my insurance provision that, initially, when we moved into West Richmond we had insurance cover for our house that included flood damage, and I understand that recently (and certainly in my own case) the provision for flood damage in our area is not available. There is a fine line, and I understand there have been a number of legal cases fought about water damage versus flood damage, and that is something that certainly the constituents in Ashford are aware of. There have been examples where there have been mistakes made or problems with water flow and people have been able to claim water damage under their insurance. But, now, if it is seen as 'flood damage' they do not get that support or reimbursement.

One of the things our government has done is look at the fact that there needs to be direct assistance for people who suffer flood problems, and I am pleased to say that, having attended the Gawler community cabinet recently, people in that area were reassured not only by the support they received from government (particularly in the emergency services area) but also by the work that the Minister for Primary Industries and Resources has done to ensure there is support for those market gardeners. I certainly support a lot of what the member for Morphett has said about the damage in Glenelg, and support is forthcoming for the most recent flooding that happened. So, at a practical level, there is support for individuals. The old saying is that there is nothing like prevention. I urge all constituents to make sure that they do take up the offers from their local councils of getting advice—and individual advice at that—and look at taking their own preventive action.

On a big picture level, which I think is the only way that we are going to be able to address this area, a number of things have been put in place since we have been in government. One of them is that through the local government forum, which the Minister for Local Government chairs, there has been a state approach with regard to flood mitigation and also, hopefully, the opportunity for water reuse. There is a big picture as far as the state is concerned.

Considerable work has been done by Environment and Heritage on waterproofing Adelaide. Obviously in our local area, and certainly in the metropolitan area, there is a huge problem. That is not to detract from what has happened in Virginia and Gawler recently but to say that we also need to have a more definite way of dealing with the fact that Brownhill and Keswick Creeks and the airport zone pose a real and direct threat to a number of the metropolitan areas. I particularly identify Ashford as being one of those areas.

Just recently work has been finished along the Brownhill, Keswick and Patawalonga areas, and I think we will be able to come to a basis of how we will take up the big picture issues for flood mitigation, so I am quite relieved that there has been cooperation. There has also been, as I understand it, an enormous amount of consultation with residents and also businesses that are likely to be in the danger zones for flooding. We are getting to a stage now where the big questions about financial responsibility will have to be nutted out.

For example, when the bark chips were floating down the street the last time we were flooded, I was told that the Ashford area alone would cost $150 million to deal with damage and also put in a proper prevention program. Since that time a lot of figures have been put into the debate, but I think the fact remains that it is going to be enormously expensive. We do need to work out how we can make sure not only that we have a proper and holistic prevention program but also that we take the necessary infrastructure steps.

We will have to work out how we pay for it as well. Despite the contributions of those opposite, it is also important that we are financially responsible about how we do this. I am not saying that I do not think it is a priority—obviously I do—but we do need to work through the finances and also how we can be of direct assistance to individuals who have had the misfortune of being at the other end of that water.

The Hon. I.F. EVANS (Deputy Leader of the Opposition): Following the recent floods as a result of the storm events, I went to a meeting in the Unley electorate hosted by a group of residents who have formed a stormwater group. The important message that came out of that meeting was that the residents need to understand that, under the government's plan for a solution to the stormwater problem—the $55 million spend that is being proposed for the catchment area for that region—the public servants made it clear that even if they got the $55 million that day it would take three to four years to complete the project.

The way I read it is that the government (if it is re-elected) are seeking to put through special legislation in relation to setting up a new stormwater authority. The election is not until March, and then there will be a gap while the new government settles before legislation actually starts. If this government is re-elected, ultimately it will take another four or five months, or longer, to actually get the legislation through. So, we will have, at least from today, about a year for the legislation to get through if the government is re-elected. Then, according to the officers who were at the public meeting, it will be another three to four years, even when the $55 million becomes available.

If you add the one-year legislative agenda to the three or four-year capital works agenda, we are obviously talking about a four or five year time span before there is a solution to this problem. I therefore stand to support the member for Waite in his motion. I congratulate him on it.

The Hon. S.W. Key: You had 8½ years to sort it out.

The Hon. I.F. EVANS: I will come back to what the member for Ashford interjected. I congratulate the member for Waite on his energy and enthusiasm in relation to this particular issue. I know he had representatives at the same meeting I attended. Unfortunately, those residents will face these storm events and the ramifications thereof over the next three, four or five years under the government's program.

I do support the member for Waite in his call for the government to fast track the construction of the dams. Two flood mitigation dams are proposed, as I understood from the

meeting the other night. Surely it is not beyond the wit of government to fast track the construction and all the processes in relation to the construction of those dams so that the time frame for these residents at risk is shortened.

As you would know, Mr Speaker, not far from your home and in the area you once represented is the Sturt Creek flood mitigation dam. That does an excellent job. It was constructed at a cost of about $12 million or $14 million many years ago, jointly funded by the Mitcham and Marion councils, which I understand are still paying off the construction costs in relation thereto. We now know that, as a result of that dam, the Marion area and the areas below that dam now do not flood. So we know that the theory and the technology work because we have a living example of it.

The member for Unley quite rightly points out that the Torrens Weir also provides similar protection for suburbs coast-side of that construction, and it would be a really interesting debate if we were standing here today arguing about whether we should dam the Torrens. Given the environmental agendas that are now run throughout the community, would the parliament have the courage to dam the Torrens to stop flooding? The reality is that it is a practical solution to what is a very difficult issue and so, in principle, I do not have a problem with flood mitigation dams being proposed to protect suburbs, families, and capital investments in those suburbs because we know the technology works. It can also turn out to be not only a private good but also a public good, which is what has happened around the Torrens. That is a fantastic public area because the water level is sustained due to it being part of a flood mitigation measure.

We know that there have been various reports saying that something like $160 million worth of urgent stormwater works need to be developed, and we know that the government has not yet disclosed how it will go about addressing and funding that particular issue. My advice to the community is to watch out for a little beast called the Natural Resource Management levy. The levy is at this stage small because when the government introduced it, it legislated so that the levy would not go above what the water catchment levy is today. It replaces the water catchment levy but has a far broader spectrum. While the water catchment levy used to be very narrow in what it could fund, the Natural Resource Management levy is very broad.

Sitting in the bowels of the department is something called the Draft State Natural Resource Management Plan. This started out about half an inch thick but, from all the reports I am getting, this four year plan to 2010 is now about an inch thick—and all the programs in that plan are coming out of the Natural Resource Management levy. This levy is basically capped until the election, but straight after that the bureaucrats will dive in and fund as much as they can out of it, because then they can run around saying, 'Hey, it is not the state government charging you this.' Local government will also run around saying, 'It's not us charging you this; it is this thing called the Natural Resource Management levy.' It will not be collected by the state government; it will go onto one line at the bottom of your local council rates so that it appears, to the public at least, that it is a local council charge when we all know that it is, indeed, a state government charge. I believe that the Natural Resource Management levy will increase two or three-fold over the next five years, because the government is going to duckshove normal state government expenditure into the Natural Resource Management levy. There is no doubt that it will grow, and if people want to know where the funding is going to come from then go straight to the Natural Resource Management levy and have a look at that.

I want to raise a proposition that was put to the meeting the other night that I think has great merit, and I hope the government takes it up urgently. The residents are calling for an early warning system for flooding, and I do not think it is beyond South Australia to design such a system; we have one for fire. I live in a high bushfire risk area and on certain days there are radio broadcasts that say it is a high fire risk day. We quite often discuss whether one of the family members will stay home and just be around the district in case things go wrong so that we have access to equipment, etc., to protect our home. We can measure the storm events that have caused these floodings—we know that there were three or four inches up in the hills and over the Mitcham area—and we can go back and research the rainfall events that have caused them, so surely the weather bureau can give an indication, even if it is only an hour or half hour in advance, and say, 'Given these storm events, you are going to get flooding in the Unley area', or wherever. In many cases even a half hour's notice would be enough to put people and valuables (such as photographs, etc., that are very personal to people) in a safe place, or get home to take action to protect your property.

I do not think it is beyond the wit of the system to design an early warning device for flooding. This proposition was raised by a resident—I do not know her name but I give her credit for raising it. I think it is a really valid idea, and I will be calling on the government to put in place an early warning system for flooding as quickly as possible because I believe it will save people a lot of heartache in what are very difficult circumstances. To my mind the flooding issue for those metropolitan suburbs is very much the equivalent of the bushfire issue in the Hills suburbs. We have bushfire clearances, firebreaks and an early warning system, and I can see no reason why we cannot have flood mitigation dams and an early warning system to protect the metropolitan suburbs from flooding.

The Hon. I.P. LEWIS (Hammond): I did not intend to speak on this, but I believe that in the interests of objectivity someone ought to sort out the antagonisms that exist more on the basis that the member making the remarks, and who is being criticised, is of a different political persuasion to the member who then follows. Whilst that is all part of the debate, the important consideration that has to be made is, where is the truth of the matter? On balance I have to say that the member for Waite is justified in doing this. Some of my relatives and friends live in the areas along the Brownhill and Keswick Creeks that have been affected and referred to in this motion, and other honourable members have also referred to Sturt Creek and the Patawalonga and Barcoo Outlets, and I will also.

Those people are now aware a little more than they were before of hydrology and the way intense rain events will affect what happens along the lines of drainage, be they out in the open landscape or in the built-up parts of metropolitan areas. Just because it has not happened does not mean that it will not. Indeed, as I have heard members on both sides say, it is not a matter of if: it is a matter of when. It is a pity that our lands titles system does not provide—and I have heard no-one say this and I think we ought to be doing something about it—for the placement of caveats on titles that are subject to flooding by virtue of their very position, warning

anyone who thinks of buying that land that it is subject to flooding and it will happen sooner or later.

To an intelligent person it ought to be a matter of commonsense that, if it is a flood plain beside a stream, it has been formed as a feature of the topography by flooding. You understand that, Mr Speaker, I know, and some other members do. The flood plains do not happen by chance. There was not some magical being who came and created a flood plain to make it look nice. It happens as a consequence of water carrying huge volumes of sediment eroded from further up the stream itself being deposited there. As the stream levels out and its velocity drops, the load that it carries drops. The simple fact of hydrology is that the amount of suspended material that can be carried by a fluid—that is, either the air or the water, in this case; it does not matter whether its a gas or a liquid—is directly proportional to the cube of the velocity.

If you increase the velocity by threefold, the amount of material that can be carried in that fluid will go up 27-fold. If you decrease the velocity, as happens when the grading along a stream reduces, it will spread out and the velocity will drop and the amount of material that it is carrying will drop. So, flood plains and sedimentation along them occur. That is a warning to anyone who understands basic hydrology that they ought not to contemplate building there without taking into account the consequences of those events. However, some members have pointed out that our planning law is at fault there and not the citizen. What that member really implies is that the problem resides in everyone's pocket, not just the pockets of those who take up the cheap land.

If that is the case, it strengthens my argument that a title ought to warn prospective buyers of the fact and that government also should require those buyers to make an additional contribution. Whether that is through land tax or rates, I do not mind, it may be both, but they ought to make an additional annual contribution to the cost of mitigating the consequences for the dwellings and other structures they put on the property as improvements when they improve that land to make it the place where they choose to live. They ought not to expect that the rest of us will cop it, either through our taxes or as well as, perhaps, the insurance premiums we pay. If they build in flood-prone areas, they can still ensure that the premium ought to be proportional to the risk that they take and that the rest of us ought not to be required in the marketplace to pay an increased premium on our insurance where we are not subject to flooding.

The member for Waite, in bringing this motion, is wise in drawing attention to the problems that are there and justified in drawing attention to the failure of the government to meet its promise to do something about it in 2005. I think the grammar would be better if he were to say in paragraph (b) that this house:

> . . . notes that it is unlikely that the study will be completed until after the next state election. . .

rather than the more difficult terminology to understand, which says:

> (b) notes that the study will unlikely be completed.

Maybe that is my inadequate brain, but it is more difficult to grasp the meaning of what he is saying if you read it quickly. The honourable member is also justified in expressing his alarm, and inviting the house to share that alarm, that only $4 million is provided for flood mitigation and that more is required. I have suggested the mechanisms by which the money can be raised more fairly than just taking it out of general revenue. My suggestion is not an argument with the member for Waite. It is, however, important for us all to recognise that if we are to do something about this it will take a lot more than $4 million. That is tokenism.

To pay $4 million to buy one cake of soap and give it to a regiment of soldiers who need a wash and say 'Go and wash yourselves' is ridiculous. It will take too long for those who have access to the cake of soap in turn about to clean themselves up and it will fall far short of their overall needs. Those who remain unwashed will suffer the consequences of the diseases that will result from being unwashed. The $4 million is like the cake of soap: totally inadequate, but enabling those who have provided it to claim that they have done something. Indeed, the member for Unley was right to draw attention to that fact, but he should have acknowledged his own incompetence as Minister for Water Resources in the last government.

The honourable member had the opportunity to fix it then. He claimed that he had knowledge of it even prior to his becoming a minister but did not accept any responsibility whatever during the time he was minister. Why would he therefore set out to blame the current government? Simply because it is political gainsay to do so, and it will ingratiate himself to his colleagues and members of the party, I am sure. But that does not solve the problem for the public, and that is what we are here to do, surely. Sadly, he was the boss of SA Water, as is the current minister, and they are a law unto themselves in too many instances, not dealing with the problems they have a statutory responsibility to address. They know that their salaries will continue apace week after week, year after year. They will get their long service leave whether they address those problems with competence and vigour or do nothing, and they get away with it, and that is sad for the public. They are there, but they are not functional and responsible in the way in which they address the wide range of problems the law—the statute establishing them—requires them to do. If we need more money, can I say to the member for Morphett, as much as the member for Unley and anyone who has bleated about that fact, why then did they support the stupidity of wasting money on a ruddy tramline, to refurbish—

Time expired.

Mr BRINDAL (Unley): I claim to have been misrepresented and seek leave to make a personal explanation.

Leave granted.

Mr BRINDAL: In the comments of the member for Hammond, he asserted that I had been negligent in my duties as a minister, and he asserted that I told this house that I had knowledge of something and took no action. I confirm that I told this house that I had knowledge. To inform the pig ignorance of the member for Hammond, I will also inform this house that, immediately on gaining that knowledge, I had a series of meetings, on the record, with the City Council of Unley, with the catchment management board and with every player that would listen. We continued for two years to meet regularly to try to solve the problem quietly. The member for Hammond would not know that, because he was running around doing other things at the time. So, I inform this house of those facts. I also inform this house of a number of cabinet submissions that were made in respect to stormwater. That is as much as I am at liberty to say, because I am bound by cabinet confidentiality, a fact that will never afflict the member for Hammond.

The SPEAKER: In making a personal explanation, members are not to engage in debate but must simply correct the misrepresentation.

Ms CHAPMAN (Bragg): I appreciate that the member for Waite has introduced this important motion to the house. Without traversing the historical aspects of blame, stormwater has become increasingly a problem for urban South Australia—and a number of regional areas in South Australia, and I do not wish to ignore that. However, it has become acute in urban South Australia. I do not think we can walk away from the fact that urban planning and development of infrastructure, whilst it has brought a magnificent gain to our lifestyle, has attracted its problems. I represent an area which, most of the time, captures water which is the subject of blame in this motion, and delivers it into other people's electorates, usually unwanted. Just one piece of major infrastructure in this state—that is, the tunnel up through the south-eastern freeway up into the hills—is a piece of infrastructure that, whilst welcome, also catches millions of tonnes of water every time it rains. It belts down the freeway, flows through my electorate and washes out in Unley, Torrensville in the western area. It is just another aggravating factor which we have to face and which has to be dealt with.

The member for Waite, quite properly, has pointed out to the house that it is the state government's responsibility, having done the planning, to get on with the job of identifying what has to be done, allocate the funding, and broker the agreement between state, federal and local government. He highlights in this motion how inadequate that has been, and I commend him for doing that. In the electorate of Bragg, we have another problem, which I am going to tell members about, because it reflects on what is going to add to the problem. We also had 2½ weeks ago a massive downpour in the catchment into Waterfall Gully. We had 45 millimetres of rain within a very short time frame, which has made it a declared area. Five hundred homes were flooded or affected, and it has been declared a 1-in-100 year flood; in fact, others have described it as a 1-in-500 year flood. The velocity and volume of water that came belting down that road has not been seen before in that area. I point out that we had water 1.5 metres deep rushing down Waterfall Gully Road, in and out of people's homes, gardens, fences and the like.

First Creek has now probably lost about one metre depth in the creek that runs along Waterfall Gully, and it is now full of debris and silt, which you would expect. But the other problem is that, right up at the end, underneath the waterfall at Waterfall Gully, there are now 20 000 tonnes of rock and sand, which have totally obliterated the dam: it is full of rock. Normally, when water comes down Waterfall Gully, it pools into the dam area, which slows down the velocity and contains some of the volume when we have these sort of situations. It then meanders its way down through the creek line. However, the creek is now full of rubbish, debris and silt, and the dam is full of rock, and I believe it will take millions of dollars to repair. However, unless that happens, even the smallest amount of rain will cause the problem to recur.

Even if people do not give a damn about what happens to people out there in that electorate—and some do not, and I want to refer to that in a minute—when it washes over them, it will wash down into the rest of urban South Australia. I particularly address this comment to the Premier and the Minister for Infrastructure, who at least came out to look at what was there. He then had the audacity, having failed to offer any assistance whatsoever, to turn around and say, 'Hasn't the Burnside council got something to answer for?' Let me tell members: that creek and that road are entirely and exclusively state government responsibility.

I am going to find out why 20 000 tonnes of rock has filled up a dam, and where that has come from. Here are some choices, members of this house: first, that a dam has broken further up that creek in the parks and wildlife area—which is totally state responsibility—and has come down that waterfall; secondly, retention walls along that creek have come adrift (and that is entirely state responsibility); or, thirdly, someone has dumped a whole lot of rock into that creek line when they constructed the South-Eastern Freeway, and it has ended up in this dam. I do not care which one it is, but Premier Rann ought to understand that the people in my electorate will not put up with that sort of problem. They will not put up with his audacious, outrageous and, I think, quite scandalous comment coming into the electorate and blaming those people. He needs to clean up that mess, and I expect him to do it. I thank the member for Waite for raising this issue because it is going to get worse, and $4 million is just a pathetic offer on the table for a very serious problem. So, get with it, and understand it, Premier, because that needs to be resolved.

Mr HAMILTON-SMITH (Waite): I thank honourable members for their contributions. We have heard a range of views. I think the message from all those contributions is that this question of flooding is affecting people's lives in a very real way. It is not only affecting their lives physically: it is also affecting their property; it is affecting their families; and it is affecting their peaceful enjoyment of their homes and whether they can sleep at night when flood warnings or rain warnings are given. It is striking at the very core of the community.

We have heard from members opposite a most interesting range of contributions, particularly given that the floods and flooding to which this motion refers all flow into seats largely held by members opposite—through the seats of Ashford and West Torrens and down into Colton. I know that there is a candidate from another party for Colton here listening to this debate. I am sure that those contributions will be widely distributed in those electorates in the forthcoming months, because I think the people living in those electorates have a right to understand what their members have said. I think the member for Norwood's contribution was along the lines of, 'I wish people would stop worrying about their own concerns and take a global view of this, a broader view.' Tell that to people who have had their homes destroyed. I think one of the other contributions opposite referred essentially to the councils: 'Well, let's flick it all off to the councils.' We have had lots of contributions like that from members opposite.

Again, this is blame shifting and cost shifting. The reality is, as we have heard during the debate, that there are two aspects to this. One is the planning issue, that is, we need to address the planning concerns. The government has had one attempt at this, and it mucked it up. It did not consult properly, and it upset a lot of people, and it came forward with a planning amendment report that was fundamentally flawed and really upset people. The government came in, we had a debate, and the government said, 'No, we won't budge,' and then two days later after a feisty caucus debate it backflipped totally, walked away from the problem and said, 'We will leave it up to the councils.'

Since then we have had imagery of the Premier and others saying, 'Gee, the councils really need to fix this.' I visited the home of one constituent, and I saw on television the Premier coming out of her home saying, 'She is very upset with the council.' Well, let me tell you, Mrs W of Denning Street did not say that at all. I have been in her home and I know what she said. She was not upset with the council, and she made that very clear. But the spin coming out in front of the TV cameras was that she was very upset with the council. She is not upset with the council. She wants to know where the windfall revenue that this government has seized from people through taxes is being spent, and she has a right to know.

So, there is the planning issue, and then there is the flood mitigation issue and, as we have heard, the Minister for Infrastructure was evasive and mischievous in his answering of questions that I put to him some weeks ago, when he tried to say, 'Well, the flood mitigation plans have not been delayed until March.' Well, we now know that they have. We know that they were due later this year, by now. They have been delayed, and we know that, the residents and the voters know that. Indeed, everybody now knows that, and we are now not going to get the flood mitigation plan until—as my honourable colleague the member for Hammond, says—around March, conveniently after the next election. So, we are not going to get any commitments to fund mitigation work.

The government has been elected to lead, and the Premier is on the record saying that he wants to lead the state. Well, here is an opportunity: lead the state, sort out this problem of flood mitigation, get back involved in the planning process, get the mitigation work done, fund the $160 million, start building the work—not in three or four years time—as soon as practicable next year, so that the people in these seats can sleep at night knowing that they are safe. This flood is a warning shot. The next one could be more catastrophic. We are going to have a vote in a minute. Let us see where the members stand and sit. Let us see where the members for West Torrens, Ashford and Colton—those Labor members, and the Independents—sit in the vote.

Time expired.

The house divided on the motion:

AYES (16)

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

NOES (21)

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

PAIR(S)

McFetridge, D.	Foley, K. O.
Venning, I. H.	Rann, M. D.

PAIR(S) (cont.)

Goldsworthy, R. M.	Stevens, L.
Kerin, R. G.	Wright, M. J.

Majority of 5 for the noes.

Motion thus negatived.

CAPE JAFFA LIGHTHOUSE PLATFORM (CIVIL LIABILITY) BILL

The Legislative Council agreed to the bill without any amendment.

FLINDERS RANGES, CORELLAS

The Hon. G.M. GUNN (Stuart): I move:

That this house notes the serious problems caused by corellas in the Flinders Ranges District Council area and calls on the state government to introduce a culling program to drastically reduce the number of corellas in this region.

Mr Speaker, if anyone has observed the thousands of these screeching birds annoying these small communities, they would quickly come to the conclusion that it is time to take some positive and drastic action to greatly reduce their numbers. People have tried all sorts of methods. You could get out with one of those scaring guns or a shotgun but, at the end of the day, that will not reduce the numbers sufficiently to solve the problem. They are stripping the gum trees in the creeks. The caravan park at Quorn has had tremendous problems with these things screeching all night. They are interfering with and chewing the television cables in people's homes. If you drive on the roads you will see all the leaves on the ground where they are stripping the trees.

We have had a great deal of talking and we have had all sorts of suggestions. But why has it happened? I will tell members why it has happened. People have provided water and feed so that they can breed on a continuous basis. What is the answer? Why has it become worse in recent years? It is simple. In the past, when people were more practical and the birds were not being harassed, hindered or interfered with by elements who have no understanding of the real world, people used to have effective poisoning programs. If we want to reduce the numbers, if we want to do something about it, there is only one method. It is no good talking about putting up nets and gassing them and all these foolish things. They will not work.

The Hon. I.P. Lewis: Catch them and sterilise them!

The Hon. G.M. GUNN: We can put salt on their tail—that will be about as effective—or we can get Peter Davis here and start clubbing them. It still will not solve the problem. People say that we can put them in a net. I say to them: try to catch hold of one and see what happens to their fingers.

Mr Caica: You can wear gloves.

The Hon. G.M. GUNN: You would want to wear more than gloves, my good friend. I will tell the house the mixture: 50 pounds of wheat, a bottle of strychnine and a cup of paraffin oil. Feed them for a week, and you will do the job: you will drop them right there on the spot. That is the only effective way of getting rid of these blasted things, because there are tens of thousands of them.

The Hon. P.F. Conlon: Then the foxes will eat them, and we'll get rid of them, too!

The DEPUTY SPEAKER: Order!

The Hon. G.M. GUNN: We have programs. We bait foxes, and that is organised by National Parks. We poison

rabbits and we blast the warrens. Why do we not have an effective program? They are an absolute pest. They will kill the gum trees. The gum trees are a part of the Flinders Ranges. Why would anyone want to go around and talk about these other ways of containing or controlling them? Anyone who goes to the area knows of the problem. The Mayor of Quorn, Max McKew, has put effective motions to the Local Government Association. They recognise that there is a problem.

I have brought this to the attention of the house to try to explain to people that it is not an option to do nothing. We will hear from all the instant experts: all the Conservation Council trendies and others, those who want to live in tents and make baskets and live with candles—that sort of group. However, the rest of the community wants something done. If people drive down the main street of Wilmington they will see that all the trees have been stripped, as well as at Melrose and north of Hawker—you even see them in the Riverland in the member for Chaffey's electorate. I understand that they are also in the South-East.

Some years ago, the council at Quorn gave people a wooden box full of cartridges to shoot them. Their shoulders were not strong enough; they could not stand up to it. Now we have a suggestion that someone will go out and catch these things in a net. That will be interesting. Are they going to tell them that they have to fly into the net? How will they get them into the net? Is the member for Giles going to climb the gum trees and shoo them into the net?

Ms Breuer: No, I'll shoot them!

The Hon. G.M. GUNN: Well, you'll need to be careful. You will catch a few, but you will not get enough to solve the problem. No-one wants to get rid of all the corellas, but they have bred absolutely out of control. I say to people: just go up and have a look. If they had to live alongside the jolly things screeching all night, they would find that it was terrible. It would be worse than listening to some members in this house, if you had them alongside you—and that is fairly hard to take at times. I have listened to a lot of it over many years, and I have been very tolerant in accepting other people's points of view. I am a very tolerant fellow. Nevertheless, we still have the problem. The Labor members will move amendments, but that will not solve the problem. Their fully paid government funded candidate suddenly has joined the queue and is talking about reducing them; the Johnny-come-lately, following on. I say to the minister at the table and the Minister for Environment and Conservation: just face reality.

The Hon. I.P. Lewis: The Minister for Environment and Conservation and the Minister for Health. It is driving people mad. Does he want to fill up all of Glenside's beds with the people driven mad by corellas?

The Hon. G.M. GUNN: It is certainly driving people to despair. They are absolutely sick and tired of it. If we do not do anything the numbers will continue to increase. In places the ground is white with them. At Quorn they have done away with some of the watering points in the small paddocks close to the town. People should go there towards evening and see what they are doing to the gum trees. I was at the Melrose school not long ago, and they have built a nice new playground there. Then, of course, they are visited by the friendly corellas. They have made a terrible mess along the lovely creek that goes through. It is one of the most beautiful parts of South Australia.

Surely we want to put an end to this nonsense. There needs to be a controlled program to reduce the numbers and, in my judgment, there is only one effective way: we have to have a sensible program of controlled poisoning. Can I explain that? People have said to me, 'Years ago we never had this problem at Quorn.' I spoke to the former mayor about it and he said, 'We had very practical people living in this area in those days. The late Bert Francis was a practical man.' Every year he prescribed a suitable dose to a fair number of them and solved the problem.'

Of course, today, that sort of sensible action is frowned upon by certain people but, nevertheless, it is essential to get on with reducing the numbers, and this motion is an attempt to bring it to the attention of those who have an ability to do something about it. As I pointed out earlier, it is not an option to do nothing. It is not an option to follow suit with some of these impractical suggestions that have been put forward. The suggestions that have been put forward remind me that when you really do not want to do anything you put forward an impractical solution. It reminds me of those people who continue to resist allowing farmers to put in decent fire breaks to quickly get on with a hazard reduction program. It is the same sort of thinking, the same sort of mentality, coming from the same people. At the end of the day, commonsense has gone out the window. Commonsense dictates that we do something about this.

I have brought this to the attention of this house. We are supposed to be the 47 people who pass laws for the good of the people of this state and act responsibly and sensibly and ensure that commonsense prevails and people are not unduly interfered with by sets of circumstances not of their making. It is not the fault of the communities in South Australia who are affected by these jolly things, but they have to live with them. I put it to you, Mr Deputy Speaker, that if the corellas were starting to descend on the gardens at North Adelaide, as I wish they would, something would be done. It would be just like the time when you could not get people to take much interest in the problems of plague grasshoppers and locusts, and suddenly they descended on the racecourse at Clare. Some of us were hoping they would come further south. I was hoping they would get into the park in North Adelaide, because then you would have had immediate action. Sir Humphrey Appleby would have been called in and given a good jab in the backside with a bayonet to do something about it. We would have seen immediate action. But, because it affected people living in an isolated part of the world who are out of sight, it was hoped they would not complain.

The real solution to the problem is to try to get the corellas to come into the parklands at North Adelaide or the gardens by the Women's and Children's Hospital. I guarantee there would be immediate action. It would give me a great deal of pleasure to watch them start to strip the television antennas and such things, because I know that within hours something would be done about it. So I call on this house to do something about the problem, and do it quickly. It needs to be a practical solution. It is no good having make-believe situations. At the end of the day, you have to reduce the numbers by a very large percentage. We will not ever eradicate them, but they will destroy the gum trees in the creeks in the Flinders Ranges and elsewhere, and they will continue to greatly annoy the peace and enjoyment of the people living in those areas, and therefore this parliament has a responsibility to do something practical about it. I commend the motion to the house and look forward to the support of members so that we can give an indication to those people in government bureaucracies who are charged with doing

something about it that the parliament wants immediate and effective action.

Ms BREUER (Giles): I move the following amendment to the motion of the member for Stuart:

Delete the words after 'That this House notes the serious problems caused by corellas in the Flinders Ranges District Council area' and replace with 'and notes that the State Government is working with the community to develop a local action plan to reduce the number of corellas in this region. It is expected that this plan will include the continuation of trapping and gassing trials.'

I move this amendment to the motion in deference to my tender-hearted colleagues on this side of the house, because I agree totally with the member for Stuart. There are many things the member for Stuart and I agree on, and this is certainly one of them. So I move this in deference to my colleagues on this side, particularly the member for Torrens who is sitting in front of me and who was absolutely horrified a few moments ago when I said, 'Yes, we should poison the lot of them.' Also, I know my colleague the member for Norwood has been horrified by some of the comments I have made in the past about the fauna in my electorate. Because of them, I think we need to modify the motion of the member.

I have heard the member for Stuart talk about the corellas in the past. They do not come down to Whyalla, but of course I travel a lot in the northern areas of the state, and I got a bit of an eye-opener a few months ago when I was in the Flinders Ranges area. It was even further north than that: I had gone through the Simpson Desert and was at Mount Dare. They descended at Mount Dare one night, and I have never heard anything like it. They screeched and squawked and flapped around all night. It was an incredible noise. It really then hit me, because I think that when I have stayed at other places where there have been corellas I have probably stayed in motels where it is quiet and well sound-proofed and I had not heard them. But this was absolutely amazing. I realised then what people are living with when they have corellas in their area. They are the most beautiful birds to look at—they really look incredible—but they are noisy and smelly, and they drop their goona everywhere they go. When you are in those areas you do not dare sit down without checking first, in case the corellas have been there or flown over.

Obviously, it is part of their natural environment to go into the areas that they are in, and I agree with that and that is good, but of course we have changed their environment so much in the time we have been in Australia (in the last couple of hundred years), and certainly in that part of the state the environment has changed considerably. Most of their natural areas have disappeared, so they have to make do with the few areas that are left. Unfortunately, there are people there and people get annoyed by this. There are great areas of the Outback that are covered by corellas but, in the settled areas, they are a major nuisance.

The other thing I noticed with the corellas when I was up in the Coopers Creek area is that you can see where the corellas have gone in and killed the bird life out there. They move into habitats where other birds have nested, take over their nests, and scratch away what is there. There is a particular group of fairy wrens in the Coopers Creek area who build incredible mud nests, but the corellas come in, pick out their eggs and their chicks and destroy them. The fairy wrens are becoming quite a threatened species in that area, so it is not just a noise factor and problems for people: it is also a problem for the natural wildlife. Because we have changed their environment over the years, we have reduced the areas it is possible for them to be in.

I believe that the trapping and gassing trials should continue, but I know there are problems with them and that they have not been particularly effective at this stage. I think a lot more work has to go into this. It has been suggested that we shoot them and, although I think that is a possibility, it will take a lot of shotgun pellets to knock off a flock of corellas.

Once again, I agree with the member for Stuart, that the only way to do it is by poisoning. Once again, the hair on the back of the neck of the member for Torrens in front of me has gone up and she says that is cruel, but sometimes you have to make these big decisions. I told her that they would die quickly if they were poisoned properly. I think there are ways that we can do something about alleviating this problem. We are certainly not going to exterminate them, and nobody would be looking to do that. However, we need to make it easier for people in those communities. We need to do it in a way that is quick and humane and sorts it out very quickly. I think we can get too tender-hearted about nature.

An honourable member interjecting:

Ms BREUER: Yes, we could try to desex them, I guess, but I think we get a bit too tender-hearted about nature. Being a bush girl (I love the 'girl' bit) and coming from that area, I think we can get a bit over the top about some of these issues. It never ceases to amaze me, when you turn on the television at night and the lead story in the news is that somebody has saved a dolphin, rescued a cat or a young joey from a kangaroo that has been hit by a car or whatever. I just cannot believe the amount of exposure that sort of thing gets in the media.

When you come from out there and drive down the Stuart Highway, you see kangaroos in varying stages of decomposition that have been hit by cars and you start to lose a bit of that wonder about nature and realise that there are plenty out there. I do get a bit frustrated by people who get very tender-hearted about this and, I think, become unrealistic about the whole thing. I am not a great fan of kangaroos. I have hit too many of them with my car—not deliberately, certainly—but I do not get tender-hearted about that. When I hear people from overseas talking about the threat to kangaroos in Australia and the problems with people culling them, etc., I want to say to them, 'Get in the real world and go out there and have a look; drive up and down the highway a few times.'

It is the same thing with the corellas. Drastic measures must be taken to do something about this. It is not fair on the people in the communities who are putting up with this day and night. It is not fair on the wildlife that is being destroyed by these birds. I think we have a serious problem there.

The other issue that, of course, we now have to start seriously thinking about is bird flu. I am not sure if anybody has realised the implications of something like this. We have the annual migration of birds coming down from the Asian area into Australia, and these corellas are up in the northern part of the country—they are all over. It is very obvious to me that we could have a serious problem in the future. Sufferers of asthma know that the birds are there because they can feel the feathers and mites in the air, and it is a major problem for people with bronchial problems. The member for Stuart is pounding his chest: he has obviously suffered from this.

It follows from there that when bird flu hits Australia we really seriously need to look at some issues such as this because it could be spread all over the country and brought

down to this part of the state. I agree with the member for Stuart in that I wish the birds would come down to North Adelaide—although I spend my time in North Adelaide when I am down here I could lock my doors—because I think people would get a little more realistic about the problem and realise how serious it is.

People in the affected areas have been calling for this for years and it has fallen on deaf ears. We need seriously to look at this problem and to do something about it. I think we can go on with our trials, but we really have to get stuck in and bite the bullet. We have bird flu coming to this country eventually. We are destroying our environment out there. We are making it very difficult for people in our community. We stuffed up the environment, and we must acknowledge that and do something about the problem.

The Hon. I.P. LEWIS (Hammond): I am astonished that nobody wants to say anything about a cocky. I do. Corellas, as referred to in this motion, are no different to other birds in other places, including corellas. These infernal things are a problem on the Bremer-Angas Plains and they have been a problem, and will again be a problem, throughout the Mallee.

The member for Giles is correct when she draws attention to the fact that they have been affected by modifications to the environment. She is mistaken, however, in her belief that the modifications in the environment have actually removed their natural habitat from elsewhere. No. What has happened is that they were nowhere near as numerous as they are now, in this day and age, prior to European settlement. They only had good seasons of danthonia, themeda and stipa species—that is, wallaby grass, kangaroo grass and spinifex—producing an abundance of seeds in which they multiplied to any great number and, at other times, their numbers were balanced and in proportion to the source of food they had in their environment.

The reason why they are a problem now is that we have cleared away the vegetation from large areas of land, enabling us to grow an abundance of cereals and other grain crops which the corellas take advantage of when feeding. Having built up their body weight and strength, they not only lay more eggs, but they do it more often, and more of those fledglings survive and become adults. That is why the numbers have indeed increased way beyond their natural propensity in the original environment, to which the member for Giles has referred. However, she is mistaken in thinking that they have been driven out of their natural habitat: they have not. They have extended their range incredibly and increased their numbers in incredible proportions, and they have to be culled.

They are a problem for the reasons that have been detailed by my colleague, the member for Stuart—and the member for Giles has actually agreed that what he said makes sense. So why go all mealy-mouthed and weak-kneed about it, saying that it is noted that the state government is working with the community (and I have heard no statement to that effect) to develop a local action plan? We know what the bloody plan is—kill the bastards! It is as simple as that: get rid of them.

Members interjecting:

The Hon. I.P. LEWIS: Well, they do not much care about anyone else; they are not there legitimately. It is an illegitimate occupation of space in the natural ecosystem, and the member for Giles has drawn attention to that—that is why I used the word 'bastard'.

Mr KOUTSANTONIS: I rise on a point of order.

The Hon. I.P. LEWIS: Well there are bastard files; it is only one side of the thing. You ought to know that it is a word in the language—

The DEPUTY SPEAKER: Order!

Mr KOUTSANTONIS: Sir, I know that it is improper to refer to people in the gallery but the use of that term is not correct—

The Hon. I.P. LEWIS: It is correct.

The DEPUTY SPEAKER: Order! The member for Hammond will take his seat; I am taking a point of order.

Mr KOUTSANTONIS: I ask the member to refrain from using offensive language.

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

The Hon. I.P. LEWIS: It is not just the corellas, either, that have caused a problem. The member for Giles has drawn attention to the greater risk—birds, out of all proportion to their natural occurrence in the avian population and the natural environment, are a serious threat to us now. The corellas will probably spread disease and maybe avian flu from Asia but, worse still, pigeons will do that in the metropolitan area. We should make it an offence to feed birds—especially feral birds such as pigeons—in public places because by feeding them we are increasing their numbers. They are a real problem around the urban areas—especially on heritage buildings like Parliament House, the Town Hall and Edmund Wright House, because their dung decomposes into a strong acid solution whenever it is damp, and that eats away the carbonate in limestone that has been turned into the marble of which these buildings are constructed. It is more serious on those than it is on others, but it is equally corrosive on other stone materials, including concrete. It is also corrosive on zinc-plated iron, as used in roofing, and so on.

So, there is not only the risk of disease spreading to humans because of these numbers of birds, but there is also the damage they do to the ambience of the surroundings in which they are in such great numbers and the irritation they cause. It is not natural for them to be there in such numbers; it is our fault that they are. And it is our responsibility, in respect of the other native species that ought to be in the space they previously occupied, and beneficial to our own good health and welfare to remove them. There is no point in being mealy-mouthed about it.

I do not know that the proposal to amend the motion is orderly, in that it is a statement of fact in the debate where it ought not to appear in the proposition as part of the amendment. In this respect, I refer to the last sentence, which states, 'It is expected this plan will include the continuation of trapping and gassing trials.' That is part of debate, part of what might be contemplated, but is not germane to the statement, which can be either supported or opposed when made. I ask you, sir, to rule on that as soon as I finish my contribution to the debate.

I make this contribution on behalf of those people who suffer the consequences of corellas anywhere and everywhere—be that the disturbance of their sleep or of the ambience of the surroundings in which they live, or the diseases they incur. I do it on behalf of those who are suffering from respiratory disorders and on behalf of those who respect the environment and want balance back in the avian population. I do it also on behalf of commonsense and of taxpayers, whose money is being spent by people trotting around having a 'chatfest' in the fashion which the member

for Giles is suggesting, rather than simply spending that money, getting on with the job and knocking out the problem.

It is not possible to do the job with koalas by darting them, desexing them and then letting them go on Kangaroo Island. That did not work, and the Hon. David Wotton was told it would not work but set about doing it because he simply could not make a decision. Likewise, in this instance the member for Giles proposes an approach that makes it more acceptable to the twits who cannot face reality, who do not live in the real world and who do not have to put up with the problem. It will not solve the problem; we need to take it head on and clean it out. That will not result in corellas being taken to the point of extinction or anywhere near it—it will simply remove the problem and its consequences from our surroundings at the earliest possible opportunity.

I urge all members to support the member for Stuart and not the other mealy-mouthed approach being advocated by the member for Giles—a 'spend money, do nothing' approach. It will not solve the problem by saying 'Keep talking.' An action plan—what a nonsense, an oxymoron! An action plan? Come on!

The Hon. G.M. GUNN: I thank members for their contribution but I do not accept the amendment, because it is not going to solve the problem. We have already seen people try to reduce the number of corellas by shooting and scaring, and now putting up nets and attempting to gas them is not going to solve the problem. I understand that this amendment would have been drawn up in sections of the government that normally do not agree with me and the member for Hammond and others, but they are not the ones who have to live with it. Some of their officers, and I will not mention their names, have told me that I am absolutely correct in my attempt to get a drastic reduction in the number of corellas, which are plaguing large parts of South Australia.

It is all very well to have plans and trials. That is just delaying making the difficult decision. You might as well make the decision today as put it off for another two years while they kill some more gum trees, and while they annoy, harass and hinder ordinary people going about their business.

The Hon. I.P. Lewis: They managed the population of the wrens in the Cooper Basin, at Cooper Creek.

The Hon. G.M. GUNN: That is right, as the honourable member pointed out. They are across the whole state and, the longer we sit on our hands, the worse the problem will be. Eventually someone will have the commonsense and courage to say 'Enough is enough. Let's save the taxpayers money. Let's get on and deal with these jolly things and fix it once and for all.' I ask the house to support my motion.

The house divided on the amendment:

AYES (20)

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

NOES (18)

Brindal, M. K.	Brown, D. C.
Buckby, M. R.	Chapman, V. A.
Evans, I. F.	Goldsworthy, R. M.

NOES (cont.)

Gunn, G. M. (teller)	Hall, J. L.
Hamilton-Smith, M. L. J.	Hanna, K.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	Meier, E. J.
Penfold, E. M.	Redmond, I. M.
Scalzi, G.	Williams, M. R.

PAIR(S)

Foley, K. O.	McFetridge, D.
Rann, M. D.	Venning, I. H.
Stevens, L.	Brokenshire, R. L.
Wright, M. J.	Kerin, R. G.

Majority of 2 for the ayes.

Amendment thus carried.

The house divided on the motion as amended:

Whilst the bells were ringing:

Mr BRINDAL: On a point of order, Mr Speaker. A division having just been held, and no member having left the chamber, is it necessary to ring the bells for another five minutes and waste private members' time?

The SPEAKER: It is, because we do not whether there are members lurking outside who want to come into the chamber.

AYES (36)

Atkinson, M. J.	Bedford, F. E.
Breuer, L. R.(teller)	Brindal, M. K.
Brown, D. C.	Buckby, M. R.
Caica, P.	Chapman, V. A.
Ciccarello, V.	Conlon, P. F.
Evans, I.F.	Geraghty, R.K.
Goldsworthy, R. M.	Gunn, G. M.
Hall, J. L.	Hamilton-Smith, M. L.J.
Hill, J. D.	Key, S. W.
Kotz, D. C.	Koutsantonis, T.
Lomax-Smith, J. D.	Matthew, W.A
Maywald, K. A.	McEwen, R. J.
Meier, E. J.	O'Brien, M. F.
Penfold, E. M.	Rankine, J. M.
Rau, J. R.	Redmond, I. M.
Scalzi, G.	Snelling, J. J.
Thompson, M. G.	Weatherill, J. W.
White, P. L.	Williams, M. R.

NOES (2)

Hanna, K.	Lewis, I. P.(teller)

Majority of 34 for the ayes.

Motion as amended thus carried.

[Sitting suspended from 1 to 2 p.m.]

MODBURY ROUNDABOUT

A petition signed by 249 residents of South Australia, requesting the house to investigate all reasonable means of urgently improving the safety of the roundabout located adjacent to the Tea Tree Plaza and Modbury Public Hospital, particularly, the installation of traffic lights, was presented by Ms Bedford.

Petition received.

ALCOHOL SALES

A petition signed by 19 residents of South Australia, requesting the House to urge the government to reject the recommendation of the Independent Supermarkets Council

for an easing of restrictions on retail outlets which can sell beer, wine and spirits, was presented by Mr Scalzi.

Petition received.

QUESTIONS ON NOTICE

The SPEAKER: I direct that the written answers to questions, as detailed in the schedule I now table, be distributed and printed in *Hansard*: Nos 219, 552, 561 and 593.

ROAD GRADERS

219. **The Hon. G.M. GUNN:** Will the number of patrol graders currently operating in the Far North be increased and will the number of maintenance gangs operating there be increased to the previous level?

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

The Department for Transport, Energy and Infrastructure utilises twelve patrol gangs and two re-sheeting gangs to maintain 10 100km of unsealed roads. There are no plans to increase the number of patrol and re-sheeting gangs.

The Department is continuously reviewing work practices for the maintenance of unsealed roads in remote areas, to better manage resources and operational efficiencies.

HOSPITALS, FUNDING

552. **Mrs PENFOLD:**

1. Are there any funding implications for regional hospitals which allow for recovering patients who have been referred on by city hospitals after treatment?

2. Will funding be available to ensure a fully paid ambulance service is available in regional areas, when volunteers are not available?

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

1. Funding is allocated to regional hospitals based on a target level of activity. Hospitals are funded to treat patients admitted, whether as a result of transfer from a metropolitan hospital or other location.

2. SA Ambulance Service (SAAS) has 69 volunteer stations throughout country South Australia serviced by approximately 1400 operational volunteers and 200 administrative volunteers.

SAAS is not in a position to replace volunteers with paid ambulance officers. In 2002 it was estimated that the financial contribution volunteers make to SAAS through the services they provide in Country SA is approximately $27 million per annum.

Volunteer recruitment and retention and roster coverage in volunteer regions has been identified by SAAS as a significant organisational risk.

SAAS is currently assessing and documenting current and future service delivery models. The project is a state-wide project and examines current workload and future trends, population and epidemiology trends, location of other health service providers and workforce trends. This will give SAAS a blueprint for not only the location of services but also the clinical skills of the paramedic/volunteer providing the service.

In the interim SAAS has recently invested $1 million to provide greater operational management and administrative support to volunteers across the state. This funding has enabled the employment of five additional Regional Team Leader (RTL) positions.

RTLs are responsible for managing day-to-day operations for a number of volunteer teams. They provide hands-on management support and clinical leadership to volunteer ambulance officers.

RTLs provide education and training to volunteer ambulance officers allowing for greater flexibility in when and where training is offered. This educational support assists in the development of recruits, therefore improving the overall roster coverage and retention of volunteers.

An example of the impact additional RTLs have is in the north-west region where one of the RTLs will soon graduate as an Intensive Care Paramedic (advanced level clinician), taking up residence in Coffin Bay. This RTL will provide clinical support to the volunteer teams in the area, including a particular station where there are low numbers of volunteers.

ARMY FUNDING

561. **Mr HAMILTON-SMITH:** How much funding has the State Government committed towards developing a business case to the Commonwealth Department of Defence to attract a greater full-time Army presence to South Australia, when are decisions expected to be made and what are the details of this business case?

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

The Army Presence in South Australia project is the second major Defence initiative of the South Australian Government.

Our first course was to assist the Adelaide based ASC Shipbuilding to win the $6 billion Air Warfare Destroyer contract for South Australia, which we did against tough competition from Victoria.

Unlike the Air Warfare Destroyer contract, Army Presence in South Australia was initiated entirely by my Government and not in response to a request from the Commonwealth Department of Defence.

Therefore there is simply no timeline for a decision by the Commonwealth. We would however expect to complete the business case later this year.

My Government has committed $247 160 directly into developing this business case.

It would be inappropriate to discuss the details until it is completed and we have had sufficient time to analyse the findings and decide upon a detailed course of action.

However, the business case is intended to demonstrate the considerable benefits that South Australia can offer to the Army.

I believe the case for South Australia will be compelling and I am sure we will receive a fair hearing in Canberra. The case we will put will demonstrate that establishing a significant fulltime presence in South Australia is good for Army and good for Australia.

RAPID BAY JETTY

593. **Mr HAMILTON-SMITH:** What is the status of negotiations between the Department and the Yankalilla Council regarding upgrading the Rapid Bay Jetty and will the Government contribute funding towards the estimated $3 million upgrade cost and if so, what are the details?

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

Yankalilla District Council has advised the Department for Transport, Energy and Infrastructure that Council would consider contributing to improvements to the land based infrastructure associated with the Rapid Bay Jetty, conditional that the Jetty be refurbished and legal public access to the Jetty obtained. Access to the Jetty is currently via land owned by Adelaide Brighton Ltd.

An Environment Impact Assessment on possible rehabilitation options for the Jetty has commenced. Until the outcome of this assessment is completed a detailed costing of options, including Government funding, cannot be finalised.

CITY OF ONKAPARINGA AND DISTRICT COUNCIL OF THE COPPER COAST

The SPEAKER: Pursuant to section 131 of the Local Government Act 1999, I lay on the table the annual report 2004-05 for the City Of Onkaparinga and the District Council of the Copper Coast.

BUSINESS AND PARLIAMENTARY TRUST

The SPEAKER: Shortly, we will have in the house, as part of their visit to the parliament today, members of the Business and Parliamentary Trust. The trust has been established with two principal aims: first, to enable all South Australian members of parliament to widen their experience in and increase their knowledge of business by spending three or four days in a local business; and, secondly, to assist business managers to better understand how government is exercised through parliament and the political process.

The trust is based on highly successful models operating in many parts of the world, including New Zealand, Belgium, Canada, Finland, the Netherlands, Spain, Sweden, and the United Kingdom. A board of management has been estab-

lished to govern the trust. Mr Mike Terlet AO and I (as the Speaker of the house) have agreed to co-chair the trust. The following people have accepted the Premier's invitation to join the trust as board members: Mr Peter Vaughan, CEO, Business SA; Ms Christine Locher, Managing Director, Locher; Mr Tony Mitchell, CEO, GroPep; the Hon. Michelle Lensink MLC; Ms Melissa Cadzow, Managing Director, CadzowTech; the Hon. Rob Kerin MP; and the Hon. Carmel Zollo MLC.

The trust's study programs will bring business people and parliamentarians together on each other's home ground so that issues can be discussed and information exchanged in the most effective and practical way possible. It is a non-partisan body with the aim of educating and improving decision making by business and parliament. Developing shared understandings between legislators and business has never been more important. I strongly endorse the objectives of the trust and I commend it to all members of parliament and the South Australian business community.

PARLIAMENT, UPPER HOUSE

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

Leave granted.

The Hon. M.D. RANN: Today, I have given the people of South Australian notice of a referendum that the government intends to hold at the 2010 state election in the event that we win the election in March next year. It is time either to substantially reform or totally abolish the upper house of the South Australian parliament. It is time that the people of the state were given the opportunity to decide once and for all whether the Legislative Council will continue as it has been or whether to reduce the number of members of the upper house in this state. This is about whether South Australians want to see a parliament that is more accountable to the people—

Mr Scalzi interjecting:

The SPEAKER: Order, the member for Hartley!

The Hon. M.D. RANN: —one that is more efficient, more productive and makes better use of the time that we spend in this place.

Mr Scalzi interjecting:

The SPEAKER: The member for Hartley will be named in a minute if he defies the chair.

The Hon. M.D. RANN: The member for Hartley seems particularly agitated, and I am not quite sure why. This would be—

Members interjecting:

The SPEAKER: Order! It has been a long, tiring week. Members just need to discipline themselves.

The Hon. M.D. RANN: This is about whether South Australians want to see a parliament that is more accountable to the people, one that is more efficient, more productive and makes better use of the time that we spend in this place. This would be one of most significant and fundamental reforms to our constitution in a century; one that both major parties have been debating internally and externally for generations. I want to throw that debate open to the wider community. It is the people's constitution, and it is for the people to decide over the next four years whether they want to keep two houses of parliament or one.

The Legislative Council is meant to be a house of the people, dedicated to the intelligent oversight and considered review of legislation sent to it by this place. It has become apparent to many observers that it is not so much a 'bearpit' as a 'sandpit'. All too often I have heard the complaint that it is used as a vehicle for smear and partisan petty game playing. In short, the upper house has lost its way and lost the plot.

Mr BRINDAL: Sir, I rise on a point of order. Ministers are given leave—even Premiers are given leave—to make statements in the public interest. They are not given leave to have free debating time, nor to make political comment.

The SPEAKER: Order! It is not a point of order.

Mr BRINDAL: It is.

The SPEAKER: The Premier has been given leave to make a ministerial statement, and he has quite a bit of scope within that to make comments and provide information.

The Hon. M.D. RANN: Thank you, sir. I am really looking to the member for Unley to act honourably over the next week.

Members interjecting:

The SPEAKER: Order! The Premier will read his statement.

The Hon. M.D. RANN: Thank you, sir. Like many other South Australians, I do not believe that the Legislative Council serves the people as best it could or the way it should. The business community, politicians, political academics and observers and many other South Australians have expressed these views over the years. There was a time in our history, I am told, when the 22 members of the Legislative Council, who have no defined electorates and no defined electorate demands, spent their wealth of time and resources to research issues, examine legislation and consider its consequences on our community. Alas, it appears that, for some, that is no longer the case.

The place is now intent on holding up legislation by claiming it is not ready to deal with it, referring issues off to select committees which should ordinarily be debated in the house and amending legislation to make it unworkable. We even saw the farce earlier in the year (I am reliably informed, and I am told that there is a copy of the letter), that one of its members did not wish to sit to debate important legislation because of a prearranged singing rehearsal. That is how stupid it is getting in the upper house. If the upper house continued to serve its rightful and intended purpose, there would be no need to propose its abolition. But I repeat that, ultimately, that decision is not for me or for you.

Mr BRINDAL: I rise on a point of order. Mr Speaker, I ask you to open your standing orders and refer to standing order No. 122.

The SPEAKER: The Premier can make comment about the Legislative Council, but no member should seek to denigrate the other place.

Members interjecting:

The SPEAKER: Order! There is a very important distinction. Members can engage in criticism and fair comment, but there should not be any denigration. I am not suggesting that the Premier is doing that.

The Hon. M.D. RANN: Thank you, sir. In their hearts they know that I am right. Just remember what previous premiers on both sides of this house have said. This is not the job for any particular political party or, indeed, for any government. It is a decision for the people of this state. I want to be able to put the choice—the options—to the people of South Australia so that they have more than four years to consider, discuss and debate the issues and form a view before the 2010 referendum to be held in conjunction with the state election. I hope that the opposition will join me in

making that choice available to the people. Let the people decide. It is their parliament, and it is their constitution. Let the people decide. They can choose to keep the upper house, they can choose to get rid of it or they can choose to reduce the number of members of parliament.

I will be looking for bipartisan support for the legislation that must be passed in both houses to enable a referendum to be held. We would hope and expect that the opposition would not be opposed to letting the people have a say. We hope to put three options to the people. Apart from abolition, or no change at all, we want to put to the people an option for reforming the upper house. Somehow, I think the reform option could be quite popular. These reforms would include:

- reducing the terms for its members from the ludicrous eight year terms down to four year terms;
- reducing the number of members, say, from 22 MPs to 16, or maybe more;
- reducing its ability to indefinitely delay legislation that has passed the lower house.

If re-elected, I will be using the next term of government to point out how ridiculous it is, in an age where governments expect industry to modernise, reform and become more productive, that our parliament remains submerged in a 19th century bicameral system that is inefficient, cumbersome and not as accountable as it should be. I believe that Australia is over-governed and that there is no reason for 15 houses of parliament to exist in a nation the size of ours. My view is that we need fewer members of parliament.

Mr Scalzi interjecting:

The SPEAKER: I warn the member for Hartley.

The Hon. M.D. RANN: The people of this state deserve the opportunity to have a say about whether parliament should move with the times and modernise, or stay the same. We hope the next parliament has the courage to give South Australians the opportunity of bringing this establishment into the 21st century. No-one should be afraid of the will of the people. This is not a job for us: it is a job for the people of this state to decide whether or not they want an upper house or whether they would like to see it reformed and reduce the number of members of parliament.

The SPEAKER: Order! The Premier is now starting to debate. The member for Unley.

Mr BRINDAL: Mr Speaker, is it orderly for any member of this house to attempt to bind another parliament?

The SPEAKER: That is not a point of order.

PAPERS TABLED

The following papers were laid on the table:

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

Country Fire Service, South Australian—Report 2004-05
Metropolitan Fire Service, South Australian
State Emergency Service—Report 2005

By the Minister for Health (Hon. J.D. Hill)—

Balaklava & Riverton Districts Health Service Inc.—Report 2004-05
Barossa Area Health Services Inc—Report 2004-05
Booleroo Centre District Hospital and Health Services—Report 2004-05
Bordertown Memorial Hospital Inc—Report 2004-05
Central Yorke Peninsula Hospital Inc.—Report 2004-05
Crystal Brook District Hospital Inc—Report 2004-05
Eastern Eyre Health & Aged Care Incorporated—Report 2004-05
Eudunda & Kapunda Health Service Incorporated—Report 2004-05
Eyre Regional Health Service—Report 2004-05
Gawler Health Service—Report 2004-05
Hawker Memorial Hospital Inc—Report 2004-05
Health, Department of (previously Human Services)—Report 2004-05
Hills Mallee Southern Regional Health Service Inc—Report 2004-05
Jamestown Hospital and Health Service—Report 2004-05
Kangaroo Island Health Service—Report 2004-05
Kingston Soldiers' Memorial Hospital Inc—Report 2004-05
Leigh Creek Health Service Inc—Report 2004-05
Lower Eyre Health Services—Report 2004-05
Lower North Health—Report 2004-05
Loxton Hospital Complex Incorporated—Report 2004-05
Mannum District Hospital Inc.—Report 2004-05
Meningie & Districts Memorial Hospital & Health Services Inc.—Report 2004-05
Mid-West Health & Aged Care Inc. and Mid-West Health—Report 2004-05
Millicent and District Hospital and Health Services Inc—Report 2004-05
Mount Gambier and Districts Health Service Inc.—Report 2004-05
Murray Bridge Soldiers' Memorial Hospital—Report 2004-05
Northern Adelaide Hills Health Service Incorporated—Report 2004-05
Northern Yorke Peninsula Health Service—Report 2004-05
Orroroo and District Health Service Inc—Report 2004-05
Penola War Memorial Hospital Inc—Report 2004-05
Peterborough Soldiers Memorial Hospital and Health Service Inc—Report 2004-05
Port Pirie Regional Health Service Inc—Report 2004-05
Quorn Health Services Inc.—Report 2004-05
Rocky River Health Service Incorporated—Report 2004-05
Riverland Health Authority Inc.—Report 2004-05
South Coast District Hospital Inc—Report 2004-05
South Eastern Regional Health Service Inc—Report 2004-05
Southern Yorke Peninsula Health Service Inc.—Report 2004-05
Tailem Bend District Hospital—Report 2004-05
Whyalla Hospital and Health service Inc—Report 2004-05
Wakefield Health—Report 2004-05

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

Arid Areas Catchment Water Management Board—Report 2004-05
Clare Valley Water Resources Planning Committee—Report 2004-05
Eyre Peninsula Catchment Water Management Board—Report 2004-05
Northern Adelaide and Barossa Catchment Water Management Board—Report 2004-05
Onkaparinga Catchment Water Management Board—Report 2004-05
Pastoral Board of South Australia—Report 2004-05
Patawalonga Catchment Water Management Board—Report 2004-05
South Australian—Victorian Border Groundwaters Agreement Review Committee—Report 2004-05
South East Water Catchment Management Board—Report 2004-05
South Eastern Water Conservation and Drainage Board—Report 2004-05
Torrens Catchment Water Management Board—Report 2004-05
Water Well Drilling Committee—Report 2004-05

By the Minister for Employment, Training and Further Education (Hon. S.W. Key)—

Education Adelaide—Report 2004-05

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

Department for Administrative and Information Services—Report 2004-05

By the Minister for the River Murray (Hon. K.A. Maywald)—

Save the River Murray Fund—Report 2004-05

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

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

Leave granted.

The Hon. M.J. ATKINSON: The evidence that Mrs Edith Pringle gave today at the—

Members interjecting:

The SPEAKER: Members will come to order! The Attorney.

The Hon. M.J. ATKINSON: The evidence that Edith Pringle gave today at the select committee was both false and dishonest.

Mr Goldsworthy interjecting:

The SPEAKER: The member for Kavel is wrong, wrong, wrong, and he will be out, out, out shortly if he is not careful. The Attorney has the call.

The Hon. M.J. ATKINSON: I did not say to Mrs Pringle, or anyone else, that proceedings between Ralph Clarke and me had been settled on terms involving appointing Ralph Clarke to government boards or committees. Mrs Pringle claims—

The Hon. R.G. Kerin interjecting:

The SPEAKER: The leader is out of order, and he knows it.

The Hon. M.J. ATKINSON: Mrs Pringle claims that she was to be a witness in those proceedings. I have a statutory declaration from Mr Tim Bourne, who acted for me in the defamation proceedings against Ralph Clarke, confirming that Edith Pringle was not considered as a witness in the trial.

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Transport is out of order.

The Hon. M.J. ATKINSON: I was not involved in any discussions between Ralph Clarke and Randall Ashbourne about board and committee positions. I did not offer Ralph Clarke, directly or indirectly, any board or committee positions. If Mrs Pringle had any knowledge, as she now claims, she should have come forward to the police and the Office of the Director of Public Prosecutions. Mrs Pringle is without credit. The former Liberal attorney-general, Trevor Griffin—

Mr BRINDAL: Point of order, Mr Speaker: is it orderly for a member in this house to comment on the current sittings of a committee before that committee has reported to parliament?

Members interjecting:

The SPEAKER: Order! It is. The Attorney needs to be careful, but thus far he has not transgressed.

Members interjecting:

The SPEAKER: The Attorney has the call.

The Hon. M.J. ATKINSON: Edith Pringle is without credit. The former Liberal attorney-general, Trevor Griffin, informed parliament in 1999 that a trial in which Mrs Pringle was the complainant had to be abandoned because her evidence so lacked credibility that the Director of Public Prosecutions could not put the case to the jury. I now table the statutory declaration of Mr Tim Bourne.

SELECT COMMITTEE ON NURSING EDUCATION AND TRAINING

Ms THOMPSON (Reynell): I bring up the report of the committee, together with minutes of proceedings and evidence.

Report received.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the 31st report of the committee.

Report received.

QUESTION TIME

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Attorney-General. Given that the Attorney-General has previously denied any knowledge of the board positions being offered to Ralph Clarke in return for him dropping his defamation claims, why did the Attorney-General tell Edith Pringle, in the telephone conversation they had on 15 November 2002, that the defamation case against Ralph Clarke was dropped because, 'a deal had been done', and that the nature of the deal 'involved board positions for Ralph'?

The Hon. M.J. ATKINSON (Attorney-General): I told Edith Pringle no such thing. I refer the leader to the ministerial statement.

DENTAL HEALTH SERVICES

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Health. What has the government done to improve dental health services for South Australians?

Mr Brokenshire interjecting:

The Hon. J.D. HILL (Minister for Health): I hear the member for Mawson, the shadow minister, saying 'Not much.' How wrong he is. Every year the South Australian Dental Health Service treats more than 80 000 patients and demand continues to grow. The government has invested extra resources and dropped the dental waiting list by 22 months since we have been in government, and the number of people on the waiting list has declined by 43 000. All in all, the government will spend $44 million on public dental health care.

Today I can announce that the government is investing $500 000 on new equipment for the service, including new decontamination equipment and sterilisation areas. We are also investing $120 000 towards new dental instruments that will meet the demand for more dental students coming through Adelaide university, $50 000 to commence the master planning for the expansion of the Adelaide Dental Hospital, $45 000 to start replacing ageing X-ray machines, and another $40 000 to complete a three-year project to upgrade the dental hospital's laboratory. I can also announce that the government is committing $380 000 to attract more overseas-trained dentists to South Australia.

For the benefit of the house I would like to read some extracts from letters we have received from people who have been treated by the Dental Health Service. I read from a letter received from a senior who had a tooth filled at the Mount

Barker dental clinic—which, I guess, is in the member for Kavel's area. He says:

> I wish to give the highest commendation. . . In all the years of attending dental practices I have never had such considerate, gentle, and courteous dental attention towards me.

A patient who had her teeth re-cemented at the Gilles Plains College of TAFE dental clinic said:

> I am extremely satisfied with the service, and am unable to suggest any improvement. . . The reception was the best I have experienced anywhere, and I was lucky to be admitted before I could even take a waiting seat.

Then, a mother whose four-year old daughter's tooth was filled at the Blackwood dental clinic had this to say:

> I felt complete satisfaction with the care my daughter received and was very much thankful and mindful that this was readily available to the community as a community health service.

I would like to take this opportunity to thank the people who work in the Dental Health Service of South Australia—they do a great deal for the people of our state.

ASHBOURNE, ATKINSON AND CLARKE INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): My question again is to the Attorney-General. Will the Attorney now appear before the Legislative Council select committee on the Atkinson Ashbourne Clarke corruption scandal to answer evidence that the committee heard today from Edith Pringle that, during a telephone conversation with the Attorney-General on 15 November 2002, in Ms Pringle's own words:

> Michael informed me that the case was not going ahead as the deal had been done. I asked Michael Atkinson about the nature of the deal and he told me that it involved board positions for Ralph. When I asked him which board positions were involved, he said WorkCover would probably be one. He said the instruction to settle had come from higher up.

The Hon. M.J. ATKINSON (Attorney-General): I have been answering questions about this for 2½ years now. I am available here every day that parliament sits to answer the opposition's questions. Whenever journalists ring me and ask me to have a press conference with them on this topic, I am available. I will not be appearing before the McCarthyist exercise in the other house, where members of the committee coach and cook witnesses before they appear.

The Hon. R.G. KERIN: On a point of order, I ask that you ask the Attorney to withdraw that comment.

The SPEAKER: The Attorney should be careful. The Attorney should withdraw any allegation of improper behaviour by members in another place. He should withdraw that.

The Hon. M.J. ATKINSON: Perhaps you are not aware, Mr Speaker, but the Hon. Robert Lucas has admitted that he approached this witness and spoke with her—

The SPEAKER: Order! The Attorney should withdraw the reference to improper behaviour by members in another place. If he wants to deal with it, he deals with it in a proper manner.

The Hon. M.J. ATKINSON: I am happy to withdraw the words 'coach' and 'cook'. What I will say is that before the select committee today Rob Lucas admitted that he approached the witness before she gave evidence—

The SPEAKER: Order! Is the Attorney withdrawing that?

The Hon. M.J. ATKINSON: Yes.

INDUSTRIAL RELATIONS REFORMS

Ms BREUER (Giles): My question is to the Minister for Industrial Relations. Will the long service leave entitlements of South Australian workers under our state long service leave legislation be protected by law under the Liberal government's changes to work laws?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Long service leave is extremely important to working families in our community. An extended break after years of service is a decent and fair entitlement and one that this parliament has seen fit to enshrine in law. Whether workers would lose their entitlements to long service leave under the Liberal plans was raised in public debate before the legislation was tabled. On the *7.30 Report* of 2 August this year, the Prime Minister said:

> Long service leave will be preserved; absolutely preserved.

Now, of course, we have the 687 pages of legislation that 'makes things simpler' and we can see what the Liberals are really doing. Under the Liberals' plans, rights to long service leave will inevitably be abolished for many workers. I have been advised that all it will take is the stroke of a pen when employers say, 'If you want the job, you have to give up your long service leave.' Under the Liberals' laws it is legal for employers to require workers to sign an AWA that abolishes long service leave, penalty rates, overtime, shift allowances, the right to get reasonable notice of changes to work hours and other basic rights at work if they want to work for that employer. Once again, with more spin than Shane Warne, the Prime Minister has thrown truth overboard and treated Australians with absolute contempt—

The SPEAKER: Order! The minister is now debating.

The Hon. M.J. WRIGHT: —as part of his plan to push working families off the award safety net and into the Howard government gutter. We will fight this appalling attack on families—

The SPEAKER: Order! The minister is debating.

DISTINGUISHED VISITORS

The SPEAKER: Before calling the next question, I welcome today members of the Business and Parliamentary Trust, on their first day of involvement in the trust. I hope that their visit is informative, and I pray that it will be educational. The leader.

ASHBOURNE, ATKINSON AND CLARKE INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): Thank you, sir. We will try to contribute to that end, and I welcome them as well. My question is to the Attorney-General.

Mr Koutsantonis interjecting:

The SPEAKER: Order, the member for West Torrens!

The Hon. R.G. KERIN: Thank you, sir, for your protection from the member for West Torrens. Will the Attorney-General confirm that the telephone number 8207 1777 is the direct telephone line in the Attorney-General's ministerial office for his personal assistant and that 8207 1723 is the telephone number for the Attorney's ministerial office? Evidence tabled today in the Legislative Council's select committee shows that on 15 November 2002 Edith Pringle made one telephone call of up to eight minutes to the Attorney-General's ministerial office and another

telephone call of up to five minutes to the direct telephone line of the personal assistant to the Attorney-General.

The Hon. M.J. ATKINSON (Attorney-General): Many people have the telephone number 8207 1777; it was the line to my desk. Obviously, it will now have to be changed.

SCHOOLS, INFRASTRUCTURE

Mrs GERAGHTY (Torrens): My question is to the Minister for Education and Children's Services. What is the government doing to improve infrastructure in our government schools?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Torrens. Yesterday, she asked about rural schools, and I was pleased to tell this house how much we have been doing in regional and rural South Australia. Now I am going to tell her, in response to this question, how much we are doing across all the schools in our state. We want to lift the appearance and the maintenance of our schools to make sure that people understand, when they look at our world-class schools, that they are occupying world-class facilities.

After 10 years of neglect by the previous government, it is quite natural that we would put a strong focus on improving school facilities, because we want to support public education. Since being elected, we have invested $450 million in upgrading our public schools and infrastructure. We have dramatically impacted the huge backlog of work left by the previous government. In fact, in the last 3½ years, we have lifted our annual maintenance budget by $2 million baseline. We have also introduced a $17 million Better Schools Project, and last year, thanks to the Treasurer's AAA rating, we were able to introduce a one-off $25 million School Pride initiative, which last year alone—

Members interjecting:

The Hon. J.D. LOMAX-SMITH: I know those opposite do not want to hear this.

Mr Brokenshire interjecting:

The SPEAKER: Order, the member for Mawson!

The Hon. J.D. LOMAX-SMITH: Thank you for your protection, sir.

The SPEAKER: I remind all members that they can save the election speeches for closer to 18 March. There should not be debate in the answers. The minister.

The Hon. J.D. LOMAX-SMITH: I was about to tell members that last year alone we quadrupled the amount of money spent on school maintenance, and we acquitted it all. Unlike the previous government which, year after year, failed to spend the money, we acquitted the entire $25 million. In addition, we have managed an extra 2 300 projects, with 62 major redevelopments and 26 school halls. This is a dramatic increase—

Members interjecting:

The Hon. J.D. LOMAX-SMITH: I am afraid they do not want to hear, sir. In addition, unlike some people who have recently gone to visit marginal seats and promise redevelopments, we give the money to schools with the highest needs. In addition, we have put $8 million extra into school computers. We have invested $22.8 million in Educonnect to make sure that every school in our state has the best bandwidth possible. Some bandwidths are more than eight times that which we inherited from the previous government. In addition, to help those regional and rural schools, we have invested $1.32 million in 17 extra fully air-conditioned buses, and that brings to 45 the number of school buses we have bought since the election. Keeping our wonderful infrastructure safe—

Ms CHAPMAN: On a point of order, Mr Speaker: this is all a direct repeat in relation to buses and Educonnect etc. from yesterday's similar statement, so it is not informing the house of any new information.

The SPEAKER: Order! The member has made the point. I think the minister is being repetitious. Does the minister want to give any further information?

The Hon. J.D. LOMAX-SMITH: I also point out that we have put an additional $4 million into security measures to protect our best assets, and we have provided additional funding to 186 schools to provide alarms, fencing, lighting and cameras. As well as our initiatives to maintain our schools and invest in our infrastructure, we have also supported our green initiatives because, as you know, we are the green government. We have put $4 million into the ecologically sustainable development programs, plus $1.25 million for solar power in schools, because we want to teach every child in our schools the advantages of environmental sustainability.

The SPEAKER: Order! I think the minister had made her point.

The Hon. I.F. EVANS (Deputy Leader of the Opposition): I have a supplementary question for the Minister for Education. Given the claim by the minister that the government has so much money for schools, why did the government not put one cent into the Coromandel Valley Primary School upgrade, and why was the government's first act to take away $800 000 from that school? Why did the government do that?

The Hon. J.D. LOMAX-SMITH: I think in the face of our record it is very hard for those opposite to criticise.

The SPEAKER: Order! I think the minister has made her point.

ASHBOURNE, ATKINSON AND CLARKE INQUIRY

The Hon. R.G. KERIN (Leader of the Opposition): If the Attorney-General does not believe that Ms Edith Pringle is a credible witness, why then did the Attorney ask Ms Pringle in 2002 whether she would be prepared to be called as a witness in the defamation proceedings between himself and Ralph Clarke?

The Hon. M.J. ATKINSON (Attorney-General): At no stage did I ask Mrs Pringle to be a witness and, if one studies the nature of the defamation actions between Mr Clarke and me, anything she could say would be totally irrelevant. She had no relevance whatsoever to the matters before the court.

VIOLENCE AGAINST WOMEN

Mr CAICA (Colton): My question is to the Minister for the Status of Women.

The Hon. P.F. Conlon interjecting:

The SPEAKER: Order, the Minister for Transport is out of order!

Mr CAICA: What is being done to address violence against women?

The Hon. S.W. KEY (Minister for the Status of Women): I thank the member for Colton for the question and also his support for the many programs we have in the Status of Women portfolio. In March last year I launched our

commitment to women's safety in South Australia and outlined a five-year plan to tackle domestic violence, indigenous violence and sexual assault. A number of initiatives and projects are already underway. As this house would be aware, the Premier recently announced that the Attorney-General and I are to initiate reforms relating to domestic violence, sexual assault and rape. This includes changes to criminal law, systems and processes, and the treatment of victims of sexual offences, and we believe that we will strengthen the sanctions for breaches of restraining orders. It is particularly relevant this week for us to consider the impact of violence against women and children in our community, as Friday 25 November is the International Day for the Elimination of Violence Against Women or, as it is increasingly being known, White Ribbon Day. I acknowledge that I have had support from everyone in this chamber with this campaign, and I would particularly like to acknowledge the support from the current and previous shadow status of women ministers in this house.

This campaign is a global initiative. It promotes the wearing of a white ribbon by men as a public statement of support for the end of violence against women. It is seen as a personal pledge to never permit, condone or remain silent about violence against women. Domestic and sexual violence committed against women and girls affect the whole community. The lives of men are personally affected if their girlfriend, wife, daughter, mother, grandmother or sister experiences violence or the threat of violence.

The dimensions of this problem are quite staggering. For example, recent data from the Australian Institute of Criminology tells us that 57 per cent of Australian women experience at least one violent incident in their lifetime and that 29 per cent experienced physical or sexual violence by the age of 16. Intimate partner violence is ranked as one of the top five risks to women's health in Australia. The 2004 Access Economics Report states that the cost of domestic violence to the Australian economy was conservatively estimated at $8.1 billion.

White Ribbon Day is the first of 16 days of a campaign to highlight the need for change in the community's attitude to violence. The campaign will conclude on 10 December, the International Human Rights Day. I have sent a white ribbon to all members together with an information booklet, and I am gratified to see that already, before the actual day tomorrow, many here are making a statement of support by wearing that ribbon.

ASHBOURNE, ATKINSON AND CLARKE INQUIRY

Mr BRINDAL (Unley): My question is to the Attorney-General. Did the Attorney-General in any way assist the election campaign of Edith Pringle when she stood against Ralph Clarke? Rumours abound that the member concerned did this. I give him the opportunity to scotch those rumours.

The Hon. M.J. ATKINSON (Attorney-General): Rumours abound—isn't that the slogan of the Liberal Party in this entire matter? I am simply not responsible to the house for the last election campaign when I was not a minister. However, I do want to say that the telephone records tabled this morning to the select committee contained no indication of call duration whatsoever. So, I ask the Leader of the Opposition to explain where the eight minutes and the five minutes come from.

Members interjecting:

The SPEAKER: Order!

Members interjecting:

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

The Hon. K.O. Foley: Where's your proof?

The SPEAKER: Order! The Treasurer will be named if he speaks over the chair.

INTERNATIONAL STUDENTS

Ms CICCARELLO (Norwood): My question is to the Minister for Employment, Training and Further Education. What contribution is made by international students to the South Australian economy?

The Hon. S.W. KEY (Minister for Employment, Training and Further Education): The most recent Australian Bureau of Statistics figures show a huge increase in South Australia's education export earnings arising from the boom in international students coming to this state. Overseas students are spending $339 million a year in South Australia, according to the latest ABS calculations of September this year. That is a $61 million rise on the previous year's earnings and nearly $40 million more than the original forecast. This rise in export earnings comes at a time when South Australia is experiencing remarkable growth in national terms in the number of students choosing Adelaide as their overseas study destination, achieving at least double the average national rise in international students for the last three years.

This has resulted in increased spending by overseas students on education, travel and living costs in South Australia and increased spending by their relatives and friends when visiting Adelaide. The ABS figures underline the economic significance of education to the South Australian economy. Education is already the state's eighth largest export industry supporting 2 000 local jobs.

The success of Adelaide's overseas student programs is further underlined in the annual report of Education Adelaide, which I have tabled today. Education Adelaide is the umbrella organisation marketing South Australia's education opportunities globally, and its annual report shows that a total of 15 346 international students were studying in South Australia in 2004, which is 13.1 per cent more than in 2003 and more than double the national increase of just 5.9 per cent. By the end of this year, the figure is expected to reach 17 000. Adelaide is particularly popular with students from India and China, with a 90 per cent increase in the number of students from India alone. Both these markets are rapidly expanding and offer the potential for even faster growth in years to come. Market research shows that students and families choose Adelaide over other cities because of our high educational standards, our low cost of living, the attractive lifestyle and the genuine welcome they receive from South Australians.

WAHABISM

Mr HANNA (Mitchell): Will the Attorney-General apologise to South Australian Muslims for describing the Wahabi doctrine yesterday on ABC Radio as 'holy war against the west in a very general sense'? The doctrine of Wahabism is a school of thought in Islam that is mainstream in pro-western Middle Eastern countries such as Saudi Arabia and Jordan. It does not equate to holy war against anyone.

The Hon. K.O. Foley: Just as they signed the cheque to Osama!

The SPEAKER: The Treasurer is out of order!

Mr HANNA: The comments of the Minister for Multicultural Affairs have unnecessarily provoked attacks on the Muslim community.

The Hon. M.J. ATKINSON (Attorney-General): Mr Speaker, no, I will not. I have a great deal more to do with South Australia's Islamic community than the member for Mitchell, who at one time tried to manipulate the Kurdish community for political purposes and was rebuffed by the Kurdish community as he sought to conscript them to march against their own independence. Wahabism is a fundamentalist doctrine of Islam. It is iconoclastic in the extreme. It is a kind of Islamic puritanism. Most Wahabis do not go on to commit acts of terrorism. However, there is no doubt that Osama bin Laden was raised in the Wahabi school and that al-Qaida draws its inspiration from Wahabism.

HOSPITALS, ROYAL ADELAIDE

Mr BROKENSHIRE (Mawson): Will the Minister for Health explain why the information he gave the house in relation to the care of a Royal Adelaide Hospital patient is completely at odds with a statutory declaration provided by the patient? The minister told the house on Monday that the patient in question was seen just after 10 p.m. by a doctor who arranged for him to be reviewed by the surgical team. The patient's statutory declaration states that he was visited by an intern at 10 p.m. but was never visited by a surgical team at all. The minister claimed that the patient was fasted overnight. The patient's statutory declaration states he was never informed that he was fasting overnight. The minister claimed that the patient was offered breakfast at 7.30 a.m. However, the patient's statutory declaration states that he was not offered breakfast and was not offered any food whatsoever until midday on the Thursday, 18 hours after he arrived at the hospital. The minister stated that, when the patient finally received a bed, he insisted that he make his own bed. The patient in the statutory declaration states that in no way did he insist on making his own bed, and the only reason that he made the bed was because the bed had sat in the emergency alcove for 15 minutes, and the patient could wait no longer.

The Hon. J.D. HILL (Minister for Health): I guess what this demonstrates very clearly, indeed, is that there is more than one side to any situation, and what we heard from the member was one side of the situation. That is exactly the same—

Members interjecting:

The SPEAKER: Order! I warn the member for MacKillop and the member for Mawson. If they defy the chair they will be named. If there is one more noise out of either of you, you will be named. The minister has the call.

The Hon. J.D. HILL: Thank you, sir. The side that I presented to the house was the side that was put together by the doctors and nurses who had treated the patient. The member for Mawson can choose not to believe the doctors and nurses, because he means by saying that what I said was wrong that the doctors and nurses were misleading me and therefore misleading the house. Well, I can assure the house that I trust the doctors and nurses. This gentleman came to the hospital and was offered medicine (he was given painkillers), and he was attended to. The following morning he was offered breakfast, which he rejected. The following morning he was offered further medicine, which he rejected. I was told the offer was made to make his bed but he insisted on making it himself. He may say something different, but I will tell you whom I believe: I believe the doctors and nurses of our public health system.

CREATE

Ms BEDFORD (Florey): My question is to the Minister for Families and Communities. What are the latest developments in support services to children under the guardianship of the minister run by CREATE?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her question. CREATE SA is the local arm of the CREATE Foundation. It is an organisation that aims to connect with and provide some support to 21 000 children and young people in out-of-home care across the whole of Australia. The state government is supporting a CREATE initiative which increases the confidence and skills of children in out-of-home care. It is called 'mission: be CREATing Your Community'. It is an initiative that was originally funded by the federal government, but it has withdrawn its funding and the state government is now stepping in to pick up the funding for that program because it is such a good program.

The 'mission: be' program builds on principles which are about trying to ensure that the young people who are in care live as fulfilling and active a life as possible. It introduces them to networks that perhaps they would not otherwise be introduced to because they do not have their birth parents to introduce them to contacts and employment opportunities. It is a program that is about connecting them with services to build their skills and capacities so that they can go on to live successful lives. A total of 37 young people aged between 14 and 18 have participated in three 'mission: be' programs which have been run in South Australia since September 2003, and the new funding will assist CREATE to expand this idea into the southern suburbs.

This collaboration helps young people forge links with organisations and gives them the opportunity to grow in a way which will ensure that they may be able to access employment when they are transitioning out of care, which is a critical issue that has been raised with us on many occasions. We accept the principle that our responsibilities to these young people do not end at the 18 year mark when they leave care, and it is crucial that we help them transition to adulthood in a way that might otherwise be assisted by their parents—but in this case the state is their parent, and we take that responsibility seriously.

HEALTH CARE SYSTEM

Mr BROKENSHIRE (Mawson): My question is to the Minister for Health. Will the minister explain why the information—

The Hon. M.J. Atkinson interjecting:

The SPEAKER: The Attorney is out of order.

Mr Scalzi interjecting:

The SPEAKER: The member for Hartley has been cautioned before, and he wants to be very careful. I have warned him before, too. The member for Mawson.

Mr BROKENSHIRE: Thank you, sir. My question is to the Minister for Health. Will the minister explain why the information he gave to the house in relation to the care of a 78 year old Flinders Medical Centre heart patient is completely at odds with what the family has again confirmed today? The minister told the house in his ministerial statement on

Monday that the patient was left on bloodstained sheets for only 1½ days after a quantity of blood leaked from a vacuum vessel draining the patient's wound and staining his sheets, and that the sheets were not changed due to the patient's imminent discharge. However, the family has confirmed again that he was left on the bloodstained sheets for 2½ days.

The Hon. J.D. HILL (Minister for Health): All I can say to the house is what I said in relation to the last question. The doctors and nurses who attended this person provided a report to me and I have provided it to the house. If the member wants to disbelieve the doctors and nurses, and if he wants to attack the doctors and nurses who work in our hospital system, that is fine, but I am telling him what they told me.

Members interjecting:

The Hon. R.G. KERIN (Leader of the Opposition): I have a supplementary question for the Minister for Health. Are the staff who provide the minister with briefings, such as the one that is in dispute from Monday, under any specific instructions on how to present these briefings? The opposition has been alerted that the people responsible for writing correspondence in our public hospitals have, to their annoyance, been instructed to insert certain orchestrated lines into all letters they write.

An honourable member: Like what?

The SPEAKER: Order! The minister will take his seat. The Attorney will abide by the standing orders. The house will come to order. It was hardly a supplementary but—the Minister for Health.

The Hon. J.D. HILL: The only instruction I have given to my officers is to tell the truth.

MULTICULTURAL FESTIVALS

The Hon. P.L. WHITE (Taylor): Sir, my question is to the Minister for Multicultural Affairs.

Members interjecting:

The SPEAKER: Order, the Minister for Agriculture and the member for Finniss!

The Hon. P.L. WHITE: Will the minister inform the house why South Australia is recognised as a leader in multicultural affairs and what the government has done to support multicultural festivals?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): One of the pleasures of being the Minister for Multicultural Affairs is having the opportunity to share many celebrations with South Australia's ethnic communities. These festivals, organised by ethnic community clubs and associations, showcase their culture and their heritage. I want to pay tribute to the Hon. Julian Stefani, who has represented the opposition valiantly over many years at these functions. I hardly ever see anyone from the opposition but Julian Stefani. I do not know what the opposition—

Mr Scalzi: I find that offensive.

The Hon. M.J. ATKINSON: —is going to do without him. These events demonstrate what can be done through the collective efforts of so many dedicated volunteers.

Mr Scalzi interjecting:

The SPEAKER: I name the member for Hartley for repeatedly defying the chair. Does he wish to explain and apologise? This is about the fifth time the member for Hartley has interjected, and he has been cautioned and warned but it does not seem to be sinking in.

Members interjecting:

The SPEAKER: If members listen, the member for Hartley has been warned and cautioned about five times. If someone defies the chair, the chair takes action.

Mr SCALZI (Hartley): Mr Speaker, I apologise. The community knows how many multicultural functions I attend.

The SPEAKER: That is not part of the apology. The member for Hartley simply apologises and it is up to the chair and the house whether we accept.

The Hon. I.F. EVANS (Deputy Leader of the Opposition): I move:

That the apology be accepted.

The SPEAKER: The member for Hartley is on very slippery ground, but the chair accepts his apology if the house accepts it.

The Hon. M.J. ATKINSON: That is fine, sir.

The SPEAKER: I am accepting the apology.

The Hon. P.F. Conlon interjecting:

The SPEAKER: The Minister for Transport is out of order.

The Hon. M.J. ATKINSON: One thing you can always commend the Hon. Julian Stefani on is that at least he knows something about the country of origin of the people he is visiting. I was astonished to hear the member for Morialta say, on Greek Independence Day, that she hoped one day to visit their island. Much of Greece is, of course, mainland.

Last year I informed the house about the festival management workshops that were organised for ethnic communities. Participants in those workshops included event organisers from many regional areas such as Mount Gambier, the Riverland, Yorke Peninsula, Whyalla and Port Lincoln.

Mrs Hall interjecting:

The Hon. M.J. ATKINSON: I hope I am not being bullied by the member for Morialta. Greece has many islands and they are lovely—

The SPEAKER: The Attorney will ignore the member for Morialta, who is trying to hide behind the member for Bragg.

The Hon. M.J. ATKINSON: They are lovely, but most of Greece is attached to Europe. The government is well aware that many ethnic communities need money as well as expertise and volunteers to run festivals. With this in mind the government has increased funding to make it possible to organise these important cultural celebrations. For example, this year government funding for the Carnevale festival was increased by 65 per cent to $22 000. Carnevale is one of our biggest multicultural festivals, but this government supports ethnic communities regardless of whether they are large or small, established or newly emerging, in the metropolitan area or in regional towns.

Mr Brindal interjecting:

The SPEAKER: Order, member for Unley!

The Hon. M.J. ATKINSON: I take this opportunity to inform the house of some of the communities for which I have recently approved funding for multicultural events. They include the Adelaide Metropolitan Malayalee for the Kerula Cultural Festival and the Baltic Council, which I was pleased to attend last year. I noticed that Julian Stefani was also there, as well as the Leader of the Opposition, who made the remarkable observation that Latvian men had much to fear from their women (I am not quite sure how that fitted in). We also funded the Croatian Community Council, and I have been pleased to visit Croatia in this parliamentary term—Zagreb, Vinkovci, Vukovar, Osijek, Slunj, Plitvice Lakes and all along the Dalmation coast from which so many South

Australians come—towns such as Zadar, Biograd, Vodice, Sibenik, Trogir, Split, Omis, Makarska, Gradac, Dubrovnik and Cavtat.

The SPEAKER: I think it would be easier for the Attorney to put on a slide evening.

The Hon. M.J. ATKINSON: We have funded the Filipino Festival, the Greek Orthodox Community for the Greek film festival—

The Hon. P.F. Conlon: What have you done for the Irish?

The Hon. M.J. ATKINSON: I will come to that, because I am from a good Irish family.

Members interjecting:

The SPEAKER: Order! The Attorney is—

Mr SCALZI: I rise on a point of order. The Attorney is taunting me with his—

Members interjecting:

The SPEAKER: Order!

Mr SCALZI: You might laugh, but at least I am not a hypocrite!

Members interjecting:

The SPEAKER: Order! The house will come to order; the Attorney will take his seat. It is inappropriate for members (and the chair cannot always hear what is going back and forth) to make taunts and provoke members on the other side.

The Hon. M.J. ATKINSON: I made no reference to the member for Hartley. Mr Speaker, we have funded the Greenfield Klompen Dancers for the Folkloric Dance Festival, we have funded—

An honourable member interjecting:

The Hon. M.J. ATKINSON: There is one I have joined, and I am just about to mention it—the Hermandad de la Tierra del Espiritu Santo, which is the Spanish pilgrimage in the Clare Valley.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: The member for Bragg says that there is a conflict of interest in my funding the Spanish pilgrimage in the Clare Valley. It is an Andalusian festival and they made me a rocerio, one of the pilgrims—so I am a brother. We have funded the Multicultural Association North and South for their multicultural festival at Paradise, the Pontian Brotherhood for their participation in the Coober Pedy Greek Festival, the Riverland Greek Festival for their famous annual festival at the Renmark oval, the Greek Cultural Month Council, and the Serbian Community of South Australia for the Serbian Multicultural Festival (I hope the member for Bragg does not think there is a conflict of interest there, because I quite often worship in the Serbian church).

Members interjecting:

The SPEAKER: Order, the Treasurer! I think the Attorney needs to wind up his answer.

The Hon. M.J. ATKINSON: We have funded the Sudanese Cultural Group for the Sudanese Arts Exhibition, the Bulgarian Educational and Friendly Society for their exhibition at the Migration Museum, which the member—

The Hon. D.C. KOTZ: I rise on a point of order, sir. The minister has been speaking now for nearly 8½ minutes. I am sure that we all appreciate some of this information, but it is available elsewhere. He could well use ministerial statements rather than question time for this type of information.

The SPEAKER: Attorney, we have been around the world: I think it is time we landed.

The Hon. M.J. ATKINSON: I will not adopt the Leader of the Opposition's suggestion that we fund the Karoonda sheep sale for the New Zealanders, the Ethnic Schools Association for the Ethnic Schools Children's Day Festival and UnitingCare Wesley for its multicultural festival. There are many more, and there is no doubt about the importance of multicultural festivals for our society. The government is doing what it can to help the thousands of volunteers in our ethnic communities keep these festivals alive. When he retires at the next election, I will miss the company of the Hon. Julian Stefani very much.

HEALTH MINISTER, ADVICE

Mr BROKENSHIRE (Mawson): Is the Minister for Health confident that the advice that he receives from departmental officers is accurate and, if so, why does he preface virtually every response to questions in parliament with 'I am advised'?

Members interjecting:

The SPEAKER: Is that the answer?

The Hon. J.D. HILL (Minister for Health): No, sir, that is my shock and amazement at the silliness of the question!

The SPEAKER: Order! The house will come to order, member for Wright.

The Hon. J.D. HILL: We have seen the pathetic attempts of the member for Mawson today to recycle questions from the former shadow Minister for Health, the member for Finniss, and he has not had any grabs, so now he is asking me why I say 'I'm advised'. The reality is that, when I seek information on behalf of members who have raised it in the house, I go to the department and say 'Tell me the facts.' They advise me and I tell members what I have been advised.

Mr Brokenshire: They are wrong.

The Hon. J.D. HILL: You attack the doctors and nurses: that will go down well.

ELECTRICITY SUPPLY

The Hon. W.A. MATTHEW (Bright): My question is to the Minister for Energy. Given the minister's answer to my questions yesterday regarding problems with South Australia's electricity supply and the minister's insistence that any electricity failure will be the fault of the private sector and not of his government, why did the Labor Party pledge card before the last state election say:

> We will fix our electricity system. An interconnector to New South Wales will be built to bring in cheap power. . .

if his government had absolutely no intention of intervening because the private sector operates now, as it did then, the electricity system?

The Hon. P.F. CONLON (Minister for Energy): I am more than happy to answer the first part of this question. Let me first say what I did say and not what the member for Bright alleges I said. He asked how could I guarantee the interconnector would be fixed. I said, 'It's very hard when you've sold it.' Let me explain why that is the case, since the honourable member wants some information. Since members opposite sold the electricity system, what happens now with the interconnector (which is part of the regulated transmission system) is that the owner of that piece of infrastructure, if it wants to upgrade it or spend money on it, goes off to the ACCC—and we are changing this system of regulation as we speak—applies to the ACCC and the ACCC makes a decision about whether or not it can do that.

That means that there is no role for this state government as a result of the previous government's privatisation. If the honourable member wants to know exactly what I mean, that

is it. That is what members opposite did. The honourable member talks about our promise, and I will tell him what we did to build an interconnector to New South Wales. We worked to get a regulatory test changed and got an application to do it, and what happened was that a private sector interconnector that the honourable member had supported when in government—a private sector operator called Murray-Link—took court action against that regulated interconnector. The reason why the opposition supported that private sector link was to increase the value of the assets in South Australia prior to sale, with complete disregard for the interests of South Australians.

We said at the time that the Murraylink interconnector, which they talked about, supported and fast tracked and which they said was the greatest answer in the world, subsequently failed dismally as a private sector interconnector. It went off to the ACCC, which, again, is a body over which we had no control. We fought the court case. I went to the ACCC hearing about Murraylink. I argued with the ACCC, saying that its decision was appalling, that is, to convert this failed private sector link they supported into a regulated link that cost South Australians money. However, we were unsuccessful. Again, we were absolutely right: that regulated Murraylink interconnector works at an appallingly low capacity, even though we are paying for it. I will be writing to the ACCC again very soon to remind the ACCC of the stupidity of its decision.

There is no doubt that we did everything we could for a sensible interconnect. It would have been built if the previous government had not decided to back Murraylink and to throw up the price of their assets—again, in disregard of the interests of South Australians. We fought it in court; we fought their private sector people; and we fought the ACCC. We were not able to succeed, because that is the environment the Liberal Party put South Australia into when it decided to sell the electricity assets. So, any time over the next few days, before he leaves, the member for Bright needs a lesson on electricity or history, I am quite happy to give him one. However, he cannot turn black into white, and he cannot change the outcome of his government's decisions.

ASHBOURNE, ATKINSON AND CLARKE INQUIRY

Ms CHAPMAN (Bragg): Will the Premier inform the house who advised him that it would be inappropriate to refer the Ashbourne case to the Crown Solicitor in November 2002 and when that advice was given? When I asked this question of the Premier on 7 November, he said, 'I will obtain an answer.'

The Hon. M.D. RANN (Premier): And I will obtain an answer sine die. It is good that today we saw that the circus to which I have been referring has finally found its clown.

Ms CHAPMAN: Does the Premier acknowledge that, by indicating to the house that he would obtain any response sine die, meaning never—at some time in the future, he was in contempt of this parliament?

The Hon. M.D. RANN: I would have thought that the member's Latin was much better than that. The member is an officer of the court, and she should know better than to mislead this house about the Latin derivation of 'sine die'. I studied Latin. I have been regarded as a Latin scholar.

Ms Chapman interjecting:

The SPEAKER: Order, the member for Bragg!

The Hon. M.D. RANN: I am sure that if I look to other officers of the court I am ad idem with them.

Members interjecting:

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

The Hon. K.O. Foley interjecting:

The SPEAKER: Order! The Treasurer will calm down.

ATTORNEY-GENERAL

Mr WILLIAMS (MacKillop): Will the Deputy Premier now advise the house whether the member for Florey approached the police, either formally or informally, about matters concerning the Attorney-General? In response to a very similar question on 9 November, the minister replied, 'I am happy to get some information.'

The Hon. K.O. FOLEY (Deputy Premier): I have to say that that is not of great moment in the—

Ms Chapman interjecting:

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

The Hon. P.F. Conlon interjecting:

The SPEAKER: And the Minister for Transport.

Members interjecting:

The SPEAKER: Order! The Treasurer will resume his seat until the house comes to order. Members need to restrain themselves.

Ms Chapman interjecting:

The SPEAKER: And that includes the member for Bragg. The Deputy Premier.

The Hon. K.O. FOLEY: I am highly offended at the suggestion that I couldn't spell 'sine die'. I am highly offended that the member would embarrass me with such an interjection. I've got no idea how to spell it, least of all what the hell it means. But I have heard it said a lot. As people know, my specialty as Treasurer is in mathematics not in grammar.

An honourable member interjecting:

The Hon. K.O. FOLEY: I am a high school dropout. Exactly. We did not use words like that in Port Adelaide at West Lakes High. I am looking for a briefing on this matter because, whether or not the member for Florey approached the police or not really is of very momentary concern to me in the context of everything else I have to worry about in this incredibly difficult, tough, complex, and demanding profession that we are all involved in. I reckon I have read a briefing somewhere where the member for Florey has not made an approach to the police. I will find out but, honestly, it is hardly a big deal, or stunningly important news. I have to say that, in the last question time of the second to last week of the parliament before an election, if that is the best you can come up with, you are a hopeless lot over there.

Mr WILLIAMS: I have a supplementary question. Will the Deputy Premier give the house an undertaking that he will bring that information before the end of business this week?

The Hon. K.O. FOLEY: I tell you what, if my officers are listening—which I know they do, because they hang off my every word; and you can't blame them, because it is normally a quality contribution to the debate in this house—could somebody please check and put Mitch Williams out of his misery?

The Hon. D.C. KOTZ (Newland): I have a supplementary question. If the Deputy Premier does not consider that bullying of women, particularly his women colleagues, is of

great moment to him, would he, for the benefit of all women members in this house, remove the white ribbon that he has on his left lapel at this moment?

The SPEAKER: Order!

The Hon. K.O. FOLEY: I can join in levity with my lack of understanding of the Latin expression sine die, but I actually find it pretty offensive that the member for Newland would suggest that I would condone violence against women. I ask the member for Newland to withdraw that allegation. I have to cop a fair bit in this place, and I am happy to, but that is a bit over the top.

The SPEAKER: Order! The member is really reflecting and suggesting improper behaviour on the part of the Deputy Premier. The member for Newland should withdraw that, and I ask her to withdraw any inference that the Treasurer condones violence against women.

The Hon. D.C. KOTZ: As I find the Deputy Premier's comments offensive to me, no, sir, I will not withdraw the comment. I find this—

The SPEAKER: Order! I direct the member for Newland to withdraw the inference that the Treasurer—

The Hon. D.C. KOTZ: —the second highest officer in the state—

The SPEAKER: Order! The member for Newland will not speak over the—

The Hon. D.C. KOTZ: —saying that bullying is not important, for women colleagues—

The SPEAKER: Order! I name the member for Newland for defying the chair.

The Hon. D.C. KOTZ: I find it totally offensive.

The SPEAKER: Does the member wish to explain and apologise?

The Hon. D.C. KOTZ: My only apology, sir, will be to you for defying the chair, but I do not withdraw.

The SPEAKER: The member must withdraw. It is completely unacceptable to suggest that anyone in here, without any evidence to the contrary, has no regard for the welfare of women. It is highly—

The Hon. K.O. FOLEY: Mr Speaker, I will accept that apology, because not to accept that apology means that there will be a news story that I somehow do condone it and that the member has been thrown out because of it. Dorothy, enjoy your last week in parliament. I accept the apology from the member.

The SPEAKER: The member for Newland should not reflect on a member in terms of implying and suggesting that a member condones violence against women. That is a very serious reflection on a member, and I ask the member to unconditionally withdraw that reference. That is unacceptable. Otherwise, she will get the consequences of being named.

The Hon. R.G. KERIN: On a point of order: I think you may have misunderstood what she actually said. I think the member for Newland—

Members interjecting:

The Hon. R.G. KERIN: No, please—I think what the member for Newland said was that she found it offensive that the Deputy Premier did not see the issue as important enough to follow up. That is very different from saying that he actually condoned violence. I did not hear what you heard, sir.

The SPEAKER: Order! The member for Newland implied quite clearly that the Treasurer does not take the bullying of women seriously and that he should remove his white ribbon. That is a clear reflection on the Treasurer. The honourable member should withdraw.

Mr WILLIAMS: On a point of order, Mr Speaker, might I suggest that you read exactly what the honourable member said in *Hansard*.

The SPEAKER: Order! The chair knows what the honourable member said. It was a clear reflection on the Treasurer. I give the member for Newland her last chance to withdraw any inference that the Treasurer condones violence against women, because that was her clear inference. I ask the honourable member to withdraw, otherwise she will be named and bear the full consequences of that.

The Hon. K.O. Foley: Look at the smirk on her face.

The Hon. D.C. KOTZ: It's not a smirk on my face; I'm contemplating what has gone on here in the last few moments.

The Hon. M.J. Atkinson: You're promoting a lie.

The Hon. D.C. KOTZ: No, I don't think that's right.

Members interjecting:

The SPEAKER: Order! The Attorney will withdraw any inference that he is suggesting an untruth by the member for Newland.

The Hon. M.J. ATKINSON: I withdraw, sir.

The SPEAKER: Order! The member for Newland will withdraw her comment.

The Hon. D.C. KOTZ: I accept the Deputy Premier's apology, and I will apologise.

The Hon. K.O. Foley: I did not apologise.

The SPEAKER: Order! The withdrawal is not conditional. The member for Newland will withdraw. There can be no qualification.

The Hon. D.C. KOTZ: I believe I already have. I withdraw and I apologise.

The SPEAKER: The honourable member has withdrawn. We can go on.

GRIEVANCE DEBATE

ATTORNEY-GENERAL

Mr HAMILTON-SMITH (Waite): Arising from what we have heard today, I put to the house that it is time for the Attorney-General to go. This Attorney-General is accident prone—as the union movement has pointed out, to the point of farce. We have heard frequent false claims in parliament. For example, today, the Attorney-General inferred that members of the opposition do not attend multicultural functions when he knows very well that the member for Hartley, the member for Morialta and I frequently attend such functions. He infers that we do not and tries to get that into *Hansard*.

We had the ridiculous fiasco over the last two days about Islamic mosques and supposed wahadism. This Attorney-General reads the form guide during briefings from the most senior legal and judicial officer in this state. We have the public stoush with Labor lawyers, the controversies over interfering with council and union elections, the silly bill to remove parliamentary privilege from members some months back, and the accusations of bullying, not only of talkback radio callers but his own colleagues—unanswered allegations

of bullying. Then, of course, there is the stashed cash affair. The minister cannot find $5 million in his department, so he goes on a senseless witchhunt to persecute the CEO—

Mrs GERAGHTY: I rise on a point of order, Mr Speaker. If my hearing serves me correctly, a few sentences ago—if I can call them that—the member for Waite made an accusation—

Mr Goldsworthy: What's the point of order?

Mrs GERAGHTY: Put a sock in it, mate. I could not hear it all, but the accusation related to bullying of members on this side of the house. I think he needs to think very carefully about what he is saying, because he's going to get it—

The SPEAKER: Order! It is getting late in the session. Members should desist from making personal attacks and allegations that are unsubstantiated by fact. If members want to raise an accusation of a serious nature they should do so in the appropriate way. The member for Waite.

Mr HAMILTON-SMITH: Of course, the stashed cash farrago has been going on now for some time. We will never get to the truth of that unless we have an independent judicial inquiry, as the minority report clearly reflects. The Attorney-General has caused for his party considerable controversy and, can I say, brought it into disrepute over that matter. But, of course, it goes on to the Ashbourne corruption matter, which has been the subject of inquiry by this parliament for some time. The opposition notes the statutory declaration that the Attorney tabled today indicating that his solicitor had no idea of Pringle's being called as a witness. Of course, from our reading of it, that does not necessarily mean that the matter was never discussed between the Attorney and Pringle (which, I understand from the evidence this morning, was the claim that was made). There is more grey here than one could ever hope for. The Ashbourne corruption matter has already seen the Attorney stand aside. The unions have had plenty to say on it. In all of this, it seems that everyone is a pathological liar except the Attorney. Let me read a list of the pathological liars named by the Attorney—and it is a long list. Kate Lennon, former CEO of his department—

The Hon. M.J. ATKINSON: Sir, I rise on a point of order. I have never referred to Kate Lennon as a liar.

The SPEAKER: Order—

The Hon. M.J. ATKINSON: I have never done so. The member is just making it up. I have referred to only one person as a pathological liar, and that was Gary Lockwood.

Mr HAMILTON-SMITH: Mr Speaker—

The SPEAKER: Order!

The Hon. DEAN BROWN: Mr Speaker, that is not a point of order; nowhere near it. The Attorney has not even attempted to make a point of order.

The SPEAKER: Order! The chair did not say that it was a point of order. The Attorney continued on without the authority of the chair. The member for Waite must not make allegations that he cannot substantiate. If he has a serious allegation, it should be put by way of a proper motion.

Mr HAMILTON-SMITH: Sir, I am reminding the house that the evidence it has already heard is that Kate Lennon has claimed that on six to eight occasions, I think she said, she briefed the Attorney-General on stashed cash. The Attorney has claimed that to be untrue. Pennifold apparently has given inaccurate information. Ashbourne told McCann that he had had discussions with the Attorney about the corruption claims, and apparently that is not true. Karzis claims that he was present and he heard it; apparently that is not true. Gary Lockwood's evidence to the parliament apparently was untrue. Ralph Clarke's evidence apparently is untrue. Edith Pringle, apparently that is untrue. It is all untrue. The unions said words to the following effect (and it was a long list: Wayne Hansen from the AWU, John Camillo, Jaimie Newlyn, Nick Threadgold; all the unionists): 'poor performer; long list of indiscretions'. I think they said, 'Unfortunately for Labor, the excreta is starting to stick.'

Time expired.

The SPEAKER: I remind members that the parliament is not a place where people can make accusations about other members without going about it in the right manner, and that would be by way of a substantive motion. If a member believes that someone has misled, or whatever, it has to be done in that way. Otherwise, the parliament will degenerate into accusations and the smearing of people's reputations unfairly.

INDUSTRIAL RELATIONS REFORM

Mr O'BRIEN (Napier): Last Tuesday, thousands of South Australians rallied behind this parliament in Elder Park to protect their rights as South Australians. The rights they sought to protect were South Australia's constitutional responsibilities for industrial relations. The Howard government's industrial relations agenda is poor policy to be forced upon South Australians in an area that is constitutionally under the state's jurisdiction. The federal government appears determined to undermine the Australian Constitution's careful division of political power between state and commonwealth jurisdictions in order to push through an ideologically driven agenda. Industrial relations reform has been an obsession of the conservative forces in Australian politics pretty well since Federation. Today, John Howard is fighting yesterday's battle. A previous conservative push to a unitary federal relations policy was attempted in the 1920s. The more honest and open National Country Party government of Stanley Bruce attempted to bring about this major constitutional change by a referendum. The 1926 referendum failed. Stanley Bruce's government then went to a subsequent election in 1929 on an open platform of industrial relations reform similar to that proposed by the Howard government. The conservatives lost that election, and Stanley Bruce remains the only prime minister to have lost his own seat at an election.

On our side of politics, we have moved on from the 1920s. John Howard's blind faith in ideology would appear to be preventing him from doing likewise. At the heart of the Howard government's industrial relations agenda is the open push to move workers onto individual contracts. This push is promoted with the feel-good buzz words of the moment: choice, bargaining and flexibility. In the current environment of low unemployment and skills shortages in some crucial areas, some workers are in a good position to bargain for better pay and conditions. However, the majority of workers find that the power to bargain, choose and be flexible is strictly on the side of the employer. For the unskilled and semi-skilled workers, or those skilled in areas that are not in high demand at this particular point in time, individual contracts will uniquely undermine the workers' strongest bargaining position in relation to their employer—their ability to bargain collectively. This will be felt particularly keenly by the most vulnerable members of the community—the young, migrants and, in many cases, women.

The federal industry minister, Ian Macfarlane, let the cat out of the bag when he told talkback radio's Alan Jones on

23 August that the government's aim was 'to ensure that industrial relations reform continued so that we have the same labour prices as New Zealand'. On OECD figures, skilled and semi-skilled workers earn between 29 per cent and 48 per cent less in New Zealand than in Australia. John Howard's industrial relations reforms will be bad for Australian workers. In many cases they will also be bad for Australian employers.

Many employers are not interested in making their employees sign individual contracts, despite the potential that these contracts have to force wages downwards. In discussions that I have had with many employers (and I have been a small business person for a great many years and, prior to that, worked in the corporate sector), it has been made clear to me that the administrative costs associated with individual contracts outweigh any benefits to their bottom line on reduced wages. Many employers are also fearful that these highly divisive reforms will bring to an end a period of industrial peace and prosperity. This is particularly the case here in South Australia, where our system of industrial relations is the best in the country, as judged by the number of days lost due to industrial disputes.

Yet the Howard government will not relent in pushing through what it must consider to be the Prime Minister's historic mission—that is, to achieve what Stanley Bruce could not: the stripping away of this state's legitimate constitutional responsibility in the area of industrial relations.

STATE TAXES

Mr SCALZI (Hartley): Today I wish, once more, to bring to the attention of the house the crippling burden of state taxes on the community, especially the aged and self-funded retirees. I noted that during question time the government prided itself on the multicultural community grants, and I welcome those grants. But nowhere has the Premier, or the Minister for Multicultural Affairs, answered queries, apart from writing specifically in languages for political purposes informing people how much the multicultural community is paying in property taxes and land tax (which is a burden when you have a pension and you have to live off it). Never, nowhere! I ask the Premier to give answers to the letters that he has received from members of the multicultural communities that have found these letters offensive, and he should answer them—not sine die, but now.

I have been contacted by a constituent with regard to the issue of state taxation and, specifically, stamp duty, home and contents and motor vehicle insurance. Mrs Rhodes, a pensioner, has a burden of stamp duties on her home and contents where the policy stamp duty is $17.56 and GST $14.51; on her car insurance stamp duty is $41.19 and GST $34.03. As a retiree on a limited income, Mrs Rhodes—like many other aged pensioners and self-funded retirees—is experiencing financial hardship in the face of escalating costs, especially utility costs. She asks, 'When is the state government planning to remove the stamp duty?' This greed is severely affecting all retirees. 'I sincerely request that Mr Rann should immediately remove this tax which is creating hardship,' she says. Like many others she is angry that, given the GST windfall, the state government is dragging its feet in abolishing state taxes which, in effect, is double-dipping. Recently it was revealed that the Treasurer had hidden more than $1.8 billion over three years in underestimated revenue. In the year 2004-05 alone the budget revenue understatement was $461 million.

Alongside stamp duty there is, of course, the escalating state land tax collections, which will actually be $10 million higher this year despite the supposed cuts of 6 per cent. There will be an increase in emergency services levy collections, and payroll tax, even on our best-loved large charities such as the RSPCA and Animal Welfare League, all while GST revenue coming to South Australia next year will be $3.46 billion. That is the reality. That is equivalent to a State Bank debt, year in and year out, going into the government's coffers, yet they have not lifted the burden from the most vulnerable people in our community, and they have the audacity to talk about mismanagement in the previous government. For independent retirees there is added insult to injury with some 18 500 independent retirees missing out on about $400 in concessions for the past three and a half years, due to the Rann government reneging on its agreement with the federal government to provide concessions on a range of property taxes and government utility charges. It is obvious that this government's main objective is to get re-elected. It has the funds to lift the burden from the community.

Ms Thompson interjecting:

Mr SCALZI: No, well, you should try to come back, but come back honestly and honour the pledges you have made to the community.

Ms Breuer interjecting:

Mr SCALZI: If you are so keen on addressing the problems then do not wait four months before you face the music in this chamber.

Members interjecting:

The SPEAKER: Order!

Time expired.

SCHOOLS, KIDMAN PARK PRIMARY AND STAR OF THE SEA PRIMARY

Mr CAICA (Colton): I have very many good schools in my electorate and today I wish to speak about only two of them to highlight the unique educational learning experience they are delivering, not only to their own students but to many thousands of other South Australian students. One of these is a DECS school, Kidman Park Primary School. Just as an aside, it was only a week ago that I was privileged to open their new multipurpose school hall as well as their new car park, magnificent additions to that outstanding school. The other school is the Star of the Sea, which is a Catholic Education primary school. Again, just as an aside, it was a privilege to recently be at the blessing of their new oval and the dedication and opening of their new oval at that school. Again, it is another outstanding school in my electorate.

Sir, the Village, which is a South-East Asian experience, and the Marine Discovery Centre are in my view and in the view of many thousands of people who visit these centres, state educational assets. The Village, located at Kidman Park Primary School, provides students with enriched learning within the studies of society and environment curriculum and the studies of Asian and global education. I will not go into any great detail regarding the history of the Village, but I can highlight that the centre was established in 1989 and is the result of a collaborative approach by many—DECS and Community Aid Abroad included—underpinned, of course, by the support of the wonderful Kidman Park Primary School community.

The students of the Kidman Park Primary School play a vital role in the management and maintenance of the Village. In a nutshell, the village utilises hands-on and simulation

activities so that students can learn about and experience the village life and culture of India, Bangladesh, Pakistan and Sri Lanka. The children experience work and business and the daily life of families; self-sufficiency in food, water and shelter; cultural activities; religious beliefs; rituals and customs; clothing; technology; health; education; and sustainability in the developing world. This learning experience culminates in a market where students engage in the bartering that is customary with the marketing of the goods they have made.

Last year 8 249 students and adults experienced the village. I have some feedback forms from those who have attended there and, while I will not go through them all because they are very similar, this one, from a teacher, encapsulates it best:

> Thank you. In 20 years of teaching this is my best excursion. It was brilliant.

That summarises the village.

Annually, over 6 000 people, adults and international guests attend the nationally and internationally acclaimed Star of the Sea Marine Discovery Centre, which has a focus on the learning of marine ecology. Like the village, the Marine Discovery Centre is widely acclaimed as the best learning centre for schools in metropolitan Adelaide. The centre has been awarded numerous international, national, state environmental and educational awards, including awards for partnerships with community groups (and they do have extremely good relationships with many community groups), support for its many volunteers, and its ability to empower and educate in an innovative and engaging manner.

In addition to the outstanding learning provided by and at the centre, the Marine Discovery Centre has been involved with, and developed, four interpretive signage projects that educate our visitors to the coast. These projects include 21 different signs spread from West Beach through to the Tennyson sand dunes, and played a major part in the centre being awarded the metropolitan Coast Care award.

The Marine Discovery Centre has also completed an outstanding set of factual readers that emanated from the centre, and anyone who has visited the MDC web site during the previous week would have seen outstanding footage of the centre's seahorse giving birth.

I am extremely proud of the magnificent role that both the village and the Marine Discovery Centre play in delivering outstanding educational and learning outcomes for many thousands of South Australian students. I am also extremely proud that located in my electorate are two centres that provide such a unique and innovative learning experience. The village and the Marine Discovery Centre are a credit to the dedicated staff, volunteers, students and school communities that make both centres work.

Both these centres need ongoing support to sustain them. In the pipeline is a redevelopment of the Marine Discovery Centre that we are trying to gently lobby to get on the drawing board next year and, with respect to Kidman Park Primary School, there are aspects of the funding arrangements which need to be entered into and which I will take up with the minister. Even though there are so many, I would like to pay particular tribute to the principal of Kidman Park Primary School, Meryl Davidson, and Pauline McCarthy, who organises, operates and runs the village.

With respect to the Marine Discovery Centre, I would like to pay tribute to the principal, Michael Honey, and Tim Hoile, the director of the centre, who does an outstanding job, along with the many volunteers and members of the school communities.

PARLIAMENT, UPPER HOUSE

The Hon. G.M. GUNN (Stuart): This morning in the press, and again this afternoon when the Premier made a ministerial statement, we have seen the first step towards an attempt to grab absolute power. It may be annoying and frustrating to governments that they have to accept the challenges of another place, that the process of changing a law is slowed down, but from my experience I have never met anyone who is always absolutely right. If that was the case, when you go to visit a doctor you would not need to go and visit a specialist—the whole process of having a second opinion is to make sure that you get something absolutely right. You judge people on their actions, not on what they say.

We have already seen this government deliberately and unwisely set out to tear up longstanding conventions.Today in the mail I received a book from the H.S. Chapman Society that quotes Graham Richardson, and this sums up where the Labor Party is coming from. He said:

> The changes were made so that Labor could embrace power as a right, to make the task of anyone trying to take it from us as difficult as we could.

We have adopted the Westminster system and, as part of that process, you have two houses of parliament elected on different franchises. No-one can argue that the other place is not democratically elected. It allows people with divergent points of view, some of which I do not agree with, to have a place in the sun. If they slow down the process, what is wrong with that? On most occasions, we are changing laws that could have a very detrimental effect on people. Even more importantly, when a proposal is put to this parliament, if this is the final arbitrator you can suspend standing orders and change it overnight and the public will not be aware. And do not say the situation in Queensland has been perfect. If anyone believes that, they will believe in fairies at the bottom of the garden.

The Premier is going to have to come up with a lot more convincing arguments to convince us and the people of this state that these propositions are fair, reasonable, just or necessary. I have watched this government closely. I have tried to act responsibly, and I have seen it tear up the rules. This is the first government that has created a special position at Murray Bridge and Port Augusta to put its candidates in and have them paid at taxpayers' expense under the guise of providing services to the community. We have limited public funding that is one sided in the interests of the Labor Party. And what do members of the Labor Party do? They get their little apparatchiks to intervene.

I was kicked off the platform on the occasion of the first passenger train coming through to Darwin, even though I witnessed the agreement between the state and the Northern Territory when that arrangement was entered into and I was chairperson of the Industries Development Committee that approved the money that the state of South Australia put into that project. When the first freight train came through, the member for Grey and I got considerable publicity, and the Premier had to share it with us and have his photograph taken with us and the mayor. The minders and organisers did not want that, so they organised to put the Labor candidate on the platform and exclude the democratically elected local member. We have not forgotten.

They then had the effrontery and indecency to ask me if I would like to go up to the freeloaders' tent on the foreshore to have a drink. I would sooner have perished than join that mob of freeloaders who had never been to Port Augusta before and are not likely to go there again. We are better off without them. It was all right: they had Simon Crean there. Then, of course, they involved themselves in the yacht club and stopped the deputation I was going to be involved in there. The minister at the table was unwittingly involved. We have had other deputations and we have a full-time staff organised up there. We have had people in the office up there clearly indicating that they are going to be busy at election time.

Time expired.

SCHOOL CANTEENS

Ms THOMPSON (Reynell): Today I wish to recognise the role that school canteen managers play in our schools, in both the health of the school and the health of the children who attend those schools. I do this after being approached by Patricia Thyer, the manager of the Morphett Vale East canteen in my electorate. She has been the manager for 21 years. She had had a discussion with Minister Lomax-Smith at a community cabinet in the south about her concerns that school canteens had a lot to contribute to healthier eating in our community but were not at the moment in a position to really use their skills and knowledge. That is because of the way in which school canteens are the property of the schools. The managers are employed by the school governing councils, and they need to cover all their costs, including the school canteen manager's wages. This can be quite a challenging task for small school canteens, which have to be extraordinarily careful about wastage and economies in relation to equipment and services.

In response to Ms Thyer's request, I recently attended a meeting of school canteen managers from the southern area that was held at the Aberfoyle Hub Primary School. The first thing to recognise is the dedication of these managers in even being able to establish this group. They sprung up as a result of an initiative of the Noarlunga Health Village, which was, as ever, looking at ways of improving health in our community, not just dealing with illness. They worked out that it would be useful for their dietitians to assist canteen managers to provide healthy food at reasonable prices.

However, after meeting for a couple of years, I think it was, the group found that primary and high school canteen managers had different needs. So, the primary school canteen managers established their own self-managed group. They share experiences, look at how they can improve their services, and provide mutual support for each other. I found that that mutual support was necessary because, despite the fact that all the canteen managers present indicated that they volunteered considerable time to the school in addition to their paid time, they all said that they did not really feel they were recognised for the contribution they make. They find it quite difficult in some of the small schools, because, on an average day, only about 10 per cent of the school students buy lunch. For some of the small schools in my area, which have about a couple of hundred students, that would only be 20 students, and they have to try to cover all their costs from that. They find that a lot more treats are allowed on Fridays, so there is quite a high use of the canteen on Fridays.

These fine people say that the service they provide to the school community—that is, things like training and managing volunteers—often goes unrecognised. We all know that a school tradition is for parents to help in the canteen, but, with so many parents working these days, it now often involves some of the senior students. All the canteen managers present told me that they have found that the volunteer parents have little knowledge of food and food handling. So, the managers are having to do quite a considerable amount of training of these parents, and they see that they have an opportunity to improve the health of the children by giving the parents more knowledge and information about healthy eating.

They cited some pretty strange examples, such as a mother who did not know what a cucumber was; someone who did not know how to wrap a sandwich; and another parent who said that she had never eaten a piece or vegetable in her life and that she did not intend to start now. These sorts of attitudes and beliefs do not help our children to learn, and they do not help us to meet our target of having healthy and active children. School canteen managers have a real opportunity to assist the parent community in understanding quick and easy school lunches and healthy school lunches, as well as working in the school community to help the morale and the spirit within that community. My congratulations go to school canteen managers.

ATTORNEY-GENERAL

The Hon. K.O. FOLEY (Deputy Premier): I seek leave to make a brief ministerial statement.

Leave granted.

The Hon. K.O. FOLEY: In question time today, the member for MacKillop asked that I provide the house with an answer before the close of business today. In my answer, on a matter relating to whether or not the member for Florey had raised any matters with South Australia Police, I indicated that I had some recollection of a response. I can advise the house that I have signed a response and it is now going through the machinery of government on its way back to the Hon. Joan Hall and the Hon. Rob Kerin by way of an answer. But I am happy to provide an earlier response to the house, given that it seemed to be the subject of much interest from members opposite. The answer I am providing, as provided in terms of advice from the police, is the following:

> This matter has been examined by the Anti-Corruption branch within the South Australia Police.
>
> No allegations of bullying by the Hon. the Attorney-General were raised by the Member for Florey.
>
> The Anti-Corruption branch is not aware of any formal report having been made.

I would hope that, in some moment of reflection, members opposite might now accept that as closure, but, of course, we know that not to be the case in the way they operate. But I believe that now more than adequately addresses the issue, and as far as I am concerned that is the end of the matter.

STATUTES AMENDMENT (RELATIONSHIPS No. 2) BILL

Second reading.

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

That this bill be now read a second time.

The bill fulfils the government's election promise to remove unjustified legislative discrimination against same-sex couples. It is an amended form of the Statutes Amendment Relationships) Bill 2004 introduced into this place on 15 September 2004 but later withdrawn. The bill amends some 92 acts so that same-sex and opposite-sex de facto couples will be treated alike in South Australian law. Our law has long recognised established opposite sex de facto couples and has attached to their relationships legal rights and duties. Examples include the right to inherit on intestacy or to claim on the partner's estate, the right to compensation if the partner is wrongfully killed, and the right to have a say in health and care decisions where the partner is incapacitated, and others. The government proposes to extend those same rights and duties to established same-sex couples.

The bill also, as a result of amendments in another place, proposes to extend similar rights and duties to domestic co-dependent partners, where that is their wish. Domestic co-dependents are adults who live together in a relationship of care or support and who make a legal agreement called a domestic relationships property agreement. Those who do that, will, similarly, accrue legal rights and incur legal duties. For example, they will have the same inheritance and compensation rights. I seek leave to insert the balance of my remarks into *Hansard* without my reading them.

Leave granted.

Throughout the Bill, the term "domestic partner" is used to refer collectively to *de facto* couples (whether of opposite sex or the same sex) and domestic co-dependants. In deference to the concerns expressed by some people to the Social Development Committee of the Parliament, the Bill always refers to married people separately, even where their legal position is the same as that of other couples. The term 'spouse' is reserved for legally-married people and the term "putative spouse" is removed from the statute book.

Like heterosexual people, many homosexual people choose to live their lives in couple relationships of mutual affection and support. Like those of opposite-sex couples, their partnerships may be of short or long duration and, in many cases, may be lifelong. They have much the same social consequences as the relationships of opposite-sex couples. For example, a couple may merge their property and financial affairs; they may provide care for each other during periods of illness or disability; and they may care for children together. Our law, however, knows nothing of such arrangements. Whereas it recognises opposite-sex couples, whether they marry or not, and attaches legal consequences to these relationships, it operates as though same-sex couples did not exist.

As a result, same-sex couples are denied some rights and exempted from some obligations that accrue to opposite-sex partners in the same situation. For example, if one's *de facto* partner is killed at work, or through negligence, or by homicide and there has been the requisite period of co-habitation, the surviving dependent partner is entitled to claim compensation for the loss of the deceased's financial support. A dependent same-sex partner has no such entitlement. Likewise, if a person's *de facto* partner dies without leaving a will, where there has been the requisite period of co-habitation, the remaining partner is entitled to inherit the estate, or part of it, depending on whether the deceased also left children. A same-sex partner in that situation cannot inherit. Again, if the deceased had made a will but had disinherited the surviving *de facto* partner, that person can apply to have provision made out of the estate, despite the will; a same-sex partner, however, cannot. There are many other instances of such discrimination, for instance, in the area of guardianship and medical consent.

Conversely, there are also some instances where the present law imposes obligations or restrictions on opposite-sex couples that are not imposed on same-sex couples. For instance, at present a person who is elected a member of a local council, or a Member of Parliament, must disclose on the register of interests the interests of his or her putative spouse. A member of a same-sex couple is under no legal obligation to disclose the interests of his or her partner. Again, a person whose *de facto* partner has received a first-home-owner's grant, or who already owns land, is not entitled to a first-home-owner's grant, but a member of a same-sex couple in that situation is. This Bill will redress such inequities. It will extend to same-sex couples the same legal rights and obligations that now apply to opposite-sex couples. As amended in the other place, the Bill will also confer these same rights and duties on those domestic co-dependants who choose to have them by making a legal agreement, although the Bill does not propose to allow domestic co-dependent partners to inherit State superannuation.

The approach taken in the Bill is to build on the existing law as it applies to opposite-sex couples; that is, where an opposite-sex couple is recognised under the present law, the Bill proposes to recognise a same-sex couple in the same way. One important change is proposed. At the moment, the law generally requires that a couple live together for five years before they can be recognised, that is, unless they have a child together. This requirement arises from the *Family Relationships Act 1975* and applies across the statute book wherever there is a reference to a putative spouse. For example, this is the requirement to be able to inherit in case of intestacy. However, the *De Facto Relationships Act 1996* requires only three years' cohabitation. That Act applies to the division of property where a de facto couple separates. The Bill proposes to remove this discrepancy by granting legal rights across the statute book after a period of three years' cohabitation. Our present five-year requirement is higher than that generally prevailing interstate where periods of two years' co-habitation are often sufficient to give rise to legal rights. It is reasonable to regard a couple who have been living together for three years as an established *de facto* couple for legal purposes, and our law already does so for property-adjustment purposes. It is logical that it should also do this for other legal purposes.

I emphasise that this Bill is not about marriage. Under the Australian Constitution, marriage is a matter of Commonwealth law. The Bill cannot and does not seek to provide for the marriage of same-sex partners. Those who want the law of marriage extended to encompass same-sex couples must lobby the Commonwealth Government. Neither does the Bill provide any regime for the legal registration of same-sex partners as couples.

It may assist if I explain how the Bill is structured. The *Family Relationships Act 1975* is amended to delete references to the status of 'putative spouse' and to refer instead to the statutory status of '*de facto* partner'. This term will include partners of opposite sex or the same sex. The criteria for a *de facto* partnership are similar to those now applied to the status of putative spouse, except for the reduction from five to three years' co-habitation. The parties must have co-habited for three years as a couple on a genuine domestic basis or, in the case of opposite-sex partners, have had a child. A new requirement, however, is that the relationship must be measured against a list of criteria including the duration of the relationship, the nature and extent of common residence, the existence of a sexual relationship, the degree of financial dependence and the arrangements for financial support between the partners, a degree of mutual commitment to a shared life, the public aspects of the relationship, and other matters. The criteria have been adapted from similar provisions in interstate laws. None of the indicia is on its own determinative and it is not necessary to show that they are all present. The more criteria are satisfied, the more likely it is that a couple relationship exists but, ultimately, the matter is one for the court, just as it is now for putative spouses. However, people cannot be *de facto* partners if they are within the prohibited degrees of relationship for marriage.

The *Family Relationships Act 1975* is also amended in two other important ways. At the moment, a declaration of putative-spouse status can be made by either the District Court or the Supreme Court. It is proposed that the Magistrates Court should also be able to make such declarations. A declaration depends upon findings of fact. Those findings present no greater difficulty than is presented in matters ordinarily determined by the Magistrates Court in its day-to-day business. An application there may be cheaper than an application to a higher court. Also, the confidentiality provision of section 13 of the Act is expanded and the penalties for a breach are increased based on the provisions of the existing State superannuation Acts, as amended in 2003.

The amendments to the *Family Relationships Act* do not extend to domestic co-dependant partners. Instead, those partners will derive their legal status from the *De Facto Relationships Act*, as amended, to be renamed the *Domestic Relationships Property Act*. Under that Act, two adults who live together in a close personal relationship that involves the provision of domestic support or personal care can, if they choose, make a domestic-relationships property agreement. To do this, they must each consult a lawyer and receive independent legal advice about the consequences of the proposed agreement.

They must warrant that they have disclosed all relevant assets. They must also indicate to the lawyer that they are not being coerced or unduly influenced to sign the agreement and must sign in the presence of the lawyer. If they do that, their relationship will be legally recognised, as long as they continue to live together, with much the same legal effects as the recognition of *de facto* partners. An agreement can be revoked at any time if the parties agree to do so and, in any case, it will cease to have legal effects if they cease living together.

In both cases, the amendments of the other Acts amended by the Bill can be usefully grouped into five kinds. First, there are those that give same-sex and domestic co-dependent partners the legal rights of family members. These include inheritance rights and rights to claim compensation when a partner is killed, which I mentioned earlier. They also include the right to apply for guardianship orders where a partner is incapacitated and to consent or refuse consent to organ donation, *post mortem* examination and cremation. For these purposes, wherever an opposite-sex partner now has rights as a next-of-kin, those rights will now accrue also to same-sex and domestic co-dependent partners.

Secondly, there are provisions amending several of the Acts that regulate the professions. This arises where the law permits a company to be registered or licensed as a practitioner of a profession. In these cases, the present law generally provides that the directors of a company practitioner must be practitioners, except where there is a two-director company and one director is a close relative of the other. Same-sex and domestic co-dependent partners will be treated as relatives for the purposes of these provisions. This also means that, if the relationship ends, the right of the same-sex or domestic co-dependent partner to hold shares in such companies ends, just as it does now when putative spouses cease co-habitation.

Thirdly, there are provisions dealing with conflicts of interest. These require the disclosure of the interests of a same-sex or domestic co-dependent partner in the same way that the person must now disclose the interests of a putative spouse. Similarly, there are provisions dealing with relevant associations between people for corporate governance purposes; for example, in the context of transactions between the entity and its directors or their associates. The *Co-operatives Act 1997* is an example.

Fourthly, there are those Acts under which a person's association with another person is relevant in deciding whether the first person is suitable to hold a licence, such as a gaming licence. Under the Bill, a same-sex or domestic co-dependent partner will be an associate for this purpose.

Fifthly, there are some statutory provisions that entitle the Government to make certain financial recovery from a spouse or prioritise government charges over land ahead of existing charges in favour of a spouse. Again, the same provision has been made for a same-sex or domestic co-dependent partner.

Members will see that the four State superannuation Acts are amended by this Bill. As members would recall, legislation was passed in 2003 amending these Acts so that same-sex partners of State employees could inherit superannuation entitlements. Members might wonder why those Acts are proposed to be further amended. These amendments do not give domestic co-dependant partners the right to inherit a partner's State superannuation. They are technical. The earlier amendments provided that, whereas a putative spouse does not need a declaration of his or her status, a same-sex partner does. The view has been taken that there is no justification for this different treatment. Therefore, in the present Bill, those provisions are further amended so that same-sex partners are in the same position as opposite-sex partners and do not need to apply for a declaration. Also, the language of these Acts needs to be changed because the expression 'putative spouse' will no longer be used. Finally, the confidentiality provisions have been deleted because the same protection will be delivered through section 13 of the *Family Relationships Act 1975*, which is expanded in scope to match the protection now given under those four Acts.

There have also been some other minor changes to some superannuation Acts that are not required to give equal rights to same-sex couples but that extend the rights of some partners. At present, both the Judges *Pensions Act 1971* and the *Governors Pensions Act 1976* require that to be eligible for a pension the spouse must have been married to the judge or governor while he or she held office. The same is not required, however, under the *Parliamentary Superannuation Act 1974*. For consistency, the two former Acts are amended so that a spouse or *de facto* partner of a judge or governor can claim the death benefit irrespective of whether the relationship existed while the judge or governor held office.

Further, the Bill provides that it will be the case under all four State superannuation Acts that death-benefit entitlements arise if the person was married to the member on the date of death, regardless of whether the parties were married while the person was still employed and regardless of the period of co-habitation. At the moment, some of these Acts require that a spouse who was not married to the member during relevant employment complete a period of co-habitation (whether as a *de facto* or married couple) before death to qualify for a benefit. The effect of the changes is to relax that requirement to match the position if the member dies before retiring. In that case, there is no period of co-habitation required for married couples.

The Bill amends many Acts, including some that are still or recently have been before the Parliament. Some provisions in the Bill may be superseded before they can come into operation. For example, the Bill amends both the new *Chiropractic and Osteopathy Act 2005* and the old *Chiropractors Act 1991*. If the former commences in the meantime, Part 10 of this Bill amending the *Chiropractors Act 1991* becomes redundant. In that case, there needs to be a mechanism to stop Part 10 coming into effect. The Bill does this by excluding the operation of section 7(5) of the *Acts Interpretation Act 1915* so that unproclaimed sections of the new Act do not automatically come into operation on the second anniversary of the day of assent.

When the Government consulted in 2003 on its proposal for legal recognition of same-sex couples, it received more than 2 000 replies. These replies made it clear that two matters are especially controversial: the adoption of children by same-sex couples and access by such couples to assisted reproductive technology. Indeed, of the thousand or so people who expressed opposition to the proposed Bill, the great majority appeared to be mainly, or in some cases solely, concerned about these two matters.

It is apparent that any amendment of the *Adoption Act 1988* or the *Reproductive Technology Act* would be controversial. Many South Australians are concerned, alarmed or even horrified at the prospect of the adoption of children by same-sex couples and at the possibility that a same-sex couple could use reproductive technology to produce a child. It is of course the reality now that some same-sex couples do raise children. For example, the children of one partner from a former relationship may live with the same-sex couple by agreement of the parents or by order of the Family Court. With or without legislative change, some children will grow up in such families. Nonetheless, there would be fervent public opposition to legislation amending either Act.

The Government has taken account of all the comments received on these two matters. That is why the Bill does not cover adoption or reproductive technology. The Bill does, however, seek to equalise the rights of same-sex couples with those of opposite-sex couples in all other areas. It is not the policy of the Government that homosexual relationships are the same as marriages. It is our policy, however, that same-sex couples should have the same legal rights and duties as opposite-sex *de facto* couples.

The Bill also recognises domestic co-dependent partners for the first time in South Australian law. The form of recognition given to them is different from that given to same-sex couples. Same-sex couples in South Australia have been campaigning ardently for some years for the legal recognition proposed by this Bill. Domestic co-dependent partners have not. Perhaps some want legal rights and duties and perhaps others do not.

Certainly, when entering into their current living arrangements, these people had no reason to expect that sharing a home with a close friend would give rise to legal rights and duties. In particular, they had no expectation that the partner would become able to claim a share of the person's property or to inherit his or her estate. The Social Development Committee was concerned at the potential for coercion and fraud in such cases. The President of the Law Society specifically warned the Committee about this. The Government believes, therefore, that it would be unfair and unreasonable to apply to domestic co-dependants the presumptive regime of recognition that is applied to *de facto* couples. Instead, the Bill proposes an opt-in regime: legal recognition will come about only if both partners decide, after taking legal advice, that that is what they want. If it be the case that all domestic co-dependent partners in South Australia do want this recognition, then they can all have it. If there are some who do not, however, they have nothing to fear from this Bill.

This measure, particularly in its recognition of domestic co-dependants, is a substantial change to South Australian law. Accordingly, as amended in another place, the Bill includes a

requirement for a review after two years of the operation and effectiveness of the new law.

The Bill is an important step towards equal civil rights for all South Australians. It has long been the policy of our law, through the *Equal Opportunity Act 1984*, that there is to be no discrimination against homosexual people as individuals in the areas to which that Act applies. Our law, however, has been too slow to recognise the rights and duties of homosexual people as couples. That many homosexual people choose to live in couple relationships, much like those of heterosexual people, is a fact of life and one that the law can no longer ignore. This Bill acknowledges in law what everyone knows to be so in fact. It is a just measure and I commend it to honourable Members.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

General remarks

This measure, in general, seeks to achieve equality before the law for couples of the opposite sex who live together as husband and wife de facto, and couples of the same sex who live together in a similar relationship. In addition, other couples who live together in a relationship of dependence but who do not have a sexual relationship, who choose to be recognised under the law as domestic co-dependants, are also treated in a like manner in relation to legal obligations and rights.

The proposed amendments to the *Family Relationships Act 1975* are the source of understanding for what is meant by the term "de facto partner". Current Part 3 (providing for declarations in relation to putative spouses) will be deleted and a new Part 3 will be substituted that provides for declarations in relation to de facto partners.

The proposed amendments to the *De Facto Relationships Act 1996* (including the renaming of that Act as the *Domestic Relationships Property Act 1996*) are the source of understanding for what is meant by the term "domestic co-dependant".

The opportunity has been taken in this measure to achieve some consistency across the statute book. In most cases, a de facto partner will be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not, while, in a number of Acts (such as the *Inheritance (Family Provision) Act 1972*), a declaration will be required. However, whether a declaration is required or not for the purposes of a particular Act, the matters set out in proposed Part 3 of the *Family Relationships Act 1975* are relevant in determining whether or not a particular person is, or has, at a particular time, the de facto partner of another. Domestic co-dependants, on the other hand, are defined as persons who—

(1) are living together in a relationship of dependence; and

(2) are party to a certified domestic relationship property agreement,

within the meaning of the *Domestic Relationships Property Act 1996*.

As a drafting device, and, in order to avoid a "list" approach, the term "domestic partner" (meaning a de facto partner or a domestic co-dependant) is to be inserted wherever necessary.

Part 1—Preliminary

This Part contains the formal clauses.

Part 2—Amendment of *Administration and Probate Act 1919*

It is proposed to insert a definition of ***de facto partner*** and, as a consequence, delete the definitions of ***putative spouse*** and ***spouse*** and substitute a new definition of ***spouse*** that makes it clear that this means a legally married person. Definitions of ***domestic co-dependant*** and, the "umbrella term" of ***domestic partner*** (a de facto partner or a domestic co-dependant) are also included. This Act is one that does require a declaration to be made that one person is the de facto partner of another as at a particular date under the new proposed Part 3 of the *Family Relationships Act 1975*.

The transitional provision provides that an amendment made by this measure to the *Administration and Probate Act 1919* applies only in relation to the estate of a deceased person whose death occurs after the commencement of the amendment.

Part 3—Amendment of *Aged and Infirm Persons' Property Act 1940*

Part 4—Amendment of *Anangu Pitjantjatjara Yankunytjatjara Land Rights Act 1981*

Part 5—Amendment of *ANZAC Day Commemoration Act 2005*

Part 6—Amendment of *Architects Act 1939*

Part 7—Amendment of *Associations Incorporation Act 1985*

Part 8—Amendment of *Authorised Betting Operations Act 2000*

Part 9—Amendment of *Casino Act 1997*

Part 10—Amendment of *Chiropractic and Osteopathy Practice Act 2005*

This Act will eventually supersede the *Chiropractors Act 1991*.

Part 11—Amendment of *Chiropractors Act 1991*

Part 12—Amendment of *Citrus Industry Act 1991*

Part 13—Amendment of *City of Adelaide Act 1998*

The amendments proposed to each of the preceding Acts are consistent. It is proposed to insert definitions of ***de facto partner***, ***domestic co-dependant*** and ***domestic partner*** in the appropriate place. In each of them, a de facto partner is to be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not and a domestic co-dependant is defined in relation to the *Domestic Relationships Property Act 1996*. It is also proposed that a definition of spouse (a person legally married to another) should be inserted appropriately. The remainder of the amendments are consequential on the insertion of those definitions or provide for transitional arrangements.

Part 14—Amendment of *Civil Liability Act 1936*

It is proposed to insert the definition of ***de facto partner*** and, as a consequence, delete the definition of ***putative spouse***. This Act is another that requires a declaration to be made that one person is the de facto partner of another as at a particular date under proposed Part 3 of the *Family Relationships Act 1975*. Definitions of ***domestic co-dependant*** and ***domestic partner*** are also inserted where appropriate.

The remainder of the proposed amendments are consequential except for the insertion of a provision that provides that an amendment made by this measure to the *Civil Liability Act 1936* applies only in relation to a cause of action that arises after the commencement of the amendment.

Part 15—Amendment of *Community Titles Act 1996*

Part 16—Amendment of *Conveyancers Act 1994*

Part 17—Amendment of *Co-operatives Act 1997*

Part 18—Amendment of *Correctional Services Act 1982*

Part 19—Amendment of *Cremation Act 2000*

Part 20—Amendment of *Criminal Assets Confiscation Act 2005*

Part 21—Amendment of *Criminal Law Consolidation Act 1935*

Part 22—Amendment of *Criminal Law (Forensic Procedures) Act 1998*

Part 23—Amendment of *Crown Lands Act 1929*

In each of the Acts proposed to be amended in these Parts, the definitions of ***de facto partner***, ***domestic co-dependant***, ***domestic partner*** and ***spouse*** are to be inserted in the appropriate section of the particular Act. In each of them, a de facto partner is to be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not, and a domestic co-dependant is defined in relation to the *Domestic Relationships Property Act 1996*. A spouse is a legally married person. The remainder of the amendments are consequential on the insertion of those definitions or provide for transitional arrangements.

Part 24—Amendment of *De Facto Relationships Act 1996*

This Act establishes a legislative scheme whereby a husband and wife de facto can make agreements to deal with property settlements and other financial arrangements after the relationship ends. It is not proposed to alter the requirements of the scheme except to extend it to include persons of the same sex who cohabit with each other as a couple on a genuine domestic basis and, subject to a limitation, to persons who live together in a relationship of dependence (that is, to domestic co-dependants). As a result of the extension of the scheme to a wider set of domestic arrangements, the Act is to be renamed as the *Domestic Relationships Property Act 1996*. A ***relationship of dependence*** is defined as a close personal relationship between 2 adult persons (whether or not related by family) who are living together, 1 or each of whom provides the other with domestic support or personal care, but does not include any such relationship—

(a) where either of them is married (whether to each other or some other person); or

(b) where either of them is in a de facto relationship (whether with each other or some other person); or

(c) where 1 of them provides the other with domestic support or personal care for fee or reward, or on behalf of some other person or an organisation of whatever kind.

The limitation imposed on domestic co-dependants is that any domestic relationship property agreement (currently known as a "cohabitation agreement") that they enter into must be a certified agreement. That means that each of the parties to the agreement must, separately, have sought the advice of a lawyer who will only certify the agreement if satisfied that the he or she has fully explained the legal implications of entering into the agreement to the party for whom the lawyer is acting and that the party is not acting under coercion or undue influence.

Other amendments are consequential.

Part 25—Amendment of *Dental Practice Act 2001*

The amendments proposed to this Act are consistent with proposed amendments in this measure to other Acts that regulate a profession.

Part 26—Amendment of *Development Act 1993*

In the Act amended in this Part, the definitions of ***de facto partner***, ***domestic co-dependant***, ***domestic partner*** and ***spouse*** are to be inserted. The remainder of the amendments are consequential on the insertion of those definitions or provide for transitional arrangements.

Part 27—Amendment of *Domestic Violence Act 1994*

This Act provides for applications to be made to the Magistrates Court relating to an order restraining a person from committing domestic violence against his or her husband or wife, or his or her husband or wife de facto. It is proposed to extend this to allow persons of the same sex who cohabit with one another as a couple on a genuine domestic basis and for domestic co-dependants to make such applications if the circumstances require.

Part 28—Amendment of *Electoral Act 1985*

Part 29—Amendment of *Environment Protection Act 1993*

The proposed amendments to these Acts are consistent with those proposed generally.

Part 30—Amendment of *Equal Opportunity Act 1984*

In addition to the amendments consistent with the general amendments relating to de facto partners, an amendment is proposed to section 50, which will extend the exemption that religious bodies have in relation to discrimination on the grounds of sexuality to discrimination in relation to same sex partners cohabiting on a genuine domestic basis.

Part 31—Amendment of *Evidence Act 1929*

Part 32—Amendment of *Fair Work Act 1994*

The proposed amendments to these Acts are consistent with those proposed generally.

Part 33—Amendment of *Family Relationships Act 1975*

The proposed amendments to this Act provide the key to the amendments proposed elsewhere in this measure.

It is proposed to expand the definition of ***Court*** for the purposes of this Act to mean the Supreme Court, the District Court or the Magistrates Court.

It is proposed to delete current Part 3 (which provides for declarations in relation to putative spouses) and substitute a new Part that instead provides for de facto partners.

Proposed section 11A(1) provides that a person is, on a certain date, the ***de facto partner*** of another (irrespective of the sex of the other) if he or she is, on that date, cohabiting with that person as a couple on a genuine domestic basis (other than as a legally married couple) and he or she—

(a) has so cohabited with that other person continuously for the period of 3 years immediately preceding that date; or

(b) has during the period of 4 years immediately preceding that date so cohabited with that other person for periods aggregating not less than 3 years.

Proposed section 11 is an interpretation provision that clarifies the meaning of new section 11A(3), which provides that a person is not the de facto partner of another if he or she is related by family to the other. For the purposes of Part 3, persons are ***related by family*** if—

(a) one is the parent, or another ancestor, of the other; or

(b) one is the child, or another descendant, of the other; or

(c) they have a parent in common.

Proposed section 11A(2) provides that a person is, on a certain date, the ***de facto partner*** of another if he or she is, on that date, cohabiting with that person as a couple on a genuine domestic basis (other than as a legally married couple) and a child, of which he or she and the other person are the parents, has been born (whether or not the child was still living at that date).

Proposed section 11A(4) provides that a person whose rights or obligations depend on whether he or she and another person, or 2 other persons, were, on a certain date, de facto partners one of the other may apply to the Court for a declaration under section 11A.

Proposed section 11A(6) provides that, for the purposes of determining whether a person is to be recognised under the law of South Australia as the de facto partner of another, consideration must be given to the following:

(a) the duration of the relationship;

(b) the nature and extent of common residence;

(c) whether or not a sexual relationship exists, or has existed;

(d) the degree of financial dependence and interdependence, or arrangements for financial support between the parties;

(e) the ownership, use or acquisition of property;

(f) the degree of mutual commitment to a shared life;

(g) the care and support of children;

(h) the performance of household duties;

(i) the reputation and public aspects of the relationship.

Proposed section 13 is substantially the same as a provision that currently appears in each of the Superannuation Acts and provides for confidentiality of proceedings relating to applications under this Act. New section 13 creates an offence (punishable by a fine of $5 000 or imprisonment for 1 year) if a person publishes ***protected information*** (that is, information relating to such an application that identifies or may lead to the identification of an applicant, or an associate of the applicant, or a witness to an application).

The transitional provision provides that if, before the commencement of this clause, a declaration has been made under Part 3 of the *Family Relationships Act 1975* that a person was, on a certain date, the putative spouse of another, the declaration will, if the case requires, be taken to be that the person was, on that date, the de facto partner of the other.

Part 34—Amendment of *Firearms Act 1977*

The proposed amendments to this Act are effected in the same way as the amendments proposed to the majority of the Acts to be amended by this measure.

Part 35—Amendment of *First Home Owner Grant Act 2000*

The amendments proposed in this Part do not work by reference to the *Family Relationships Act 1975*. Instead, reference is made to persons cohabiting as a couple on a genuine domestic basis (whether they are of the opposite or the same sex). However, the definitions of ***domestic co-dependant*** and ***domestic partner*** are consistent with all other legislation.

The transitional provision provides that an amendment made by this measure to the *First Home Owner Grant Act 2000* applies only in relation to an application for a first home owner grant made after the commencement of the amendment.

Part 36—Amendment of *The Flinders University of South Australia Act 1966*

Part 37—Amendment of *Gaming Machines Act 1992*

Part 38—Amendment of *Genetically Modified Crops Management Act 2004*

The amendments proposed are effectively the same as the amendments proposed to the majority of the Acts to be amended by this measure.

Part 39—Amendment of *Governors' Pensions Act 1976*

The amendments proposed to this Act will achieve consistency with other State Acts that deal with pension and superannuation schemes. It is not proposed to extend the operation of these Acts to apply to domestic co-dependant relationships.

De facto partner is defined by reference to the *Family Relationships Act 1975* consistently with the majority approach taken elsewhere in this measure (that is, no declaration is required under that Act).

The other amendments are consequential but for the transitional provision which provides that an amendment made by a provision of this measure to a provision of the *Governors' Pensions Act 1976* that provides for, or relates to, the payment of a pension to a person on the death of a Governor, or former Governor, applies only if the death occurs after the commencement of the amendment.

Part 40—Amendment of *Ground Water (Qualco-Sunlands) Control Act 2000*

Part 41—Amendment of *Guardianship and Administration Act 1993*

Part 42—Amendment of *Hospitals Act 1934*

Part 43—Amendment of *Housing and Urban Development (Administrative Arrangements) Act 1995*

Part 44—Amendment of *Housing Improvement Act 1940*

The amendments proposed in the previous Parts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 45—Amendment of *Inheritance (Family Provision) Act 1972*

The amendments proposed to this Act require a declaration to be made under the *Family Relationships Act 1975*.

It is proposed to insert a definition of ***de facto partner*** and substitute the definition of ***spouse***. A de facto partner in relation to a deceased person is a person declared under the *Family Relationships Act 1975* to have been a de facto partner of the deceased as at the date of his or her death, or at some earlier date. A spouse in relation to a deceased person means a person who was legally married to that person as at the date of his or her death. Definitions of ***domestic co-dependant*** and ***domestic partner*** are also inserted.

The amendments will only apply in relation to the estate of a deceased person whose death occurs after the commencement of the amendments.

Part 46—Amendment of *Judges' Pensions Act 1971*

The amendments proposed to this Act will achieve consistency with the other State Acts dealing with pension and superannuation schemes. It will no longer be the case that the spouse of a deceased former judge will be entitled to a benefit only if he or she was the former judge's spouse before the former judge ceased to be a judge. A person who is the spouse or de facto partner of a deceased judge or former judge at the time of death will be entitled to a benefit irrespective of when he or she became the spouse or de facto partner of the judge or former judge. However, because ***de facto partner*** is defined by reference to the *Family Relationships Act 1975*, a person can only be the de facto partner of a judge or former judge if he or she has cohabited with the judge or former judge for at least 3 years or is the parent of a child of whom the judge or former judge is also a parent.

Proposed new section 9 provides for the division of benefits where a deceased judge or former judge is survived by more than one spouse or de facto partner. Any benefit to which a surviving spouse or de facto partner is entitled under the Act will be divided between them in a ratio determined by reference to the length of the periods for which each of them cohabited with the deceased. A substantially similar provision is included in each of the Acts dealing with superannuation entitlements.

An amendment made by a provision of this measure to a provision of the *Judges' Pensions Act 1971* that provides for, or relates to, the payment of a pension to a person on the death of a Judge, or former Judge, applies only if the death occurs after the commencement of the amendment.

Part 47—Amendment of *Juries Act 1927*

An amendment made by this measure to the *Juries Act 1927* does not affect the eligibility of a person to serve on a jury empanelled before the commencement of the amendment.

Part 48—Amendment of *Land Tax Act 1936*

Part 49—Amendment of *Legal Practitioners Act 1981*

Part 50—Amendment of *Liquor Licensing Act 1997*

Part 51—Amendment of *Local Government Act 1999*

The amendments proposed to the preceding Acts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 52—Amendment of *Medical Practice Act 2004*

Amendments consistent with the general amendments proposed by this measure are to be made to this Act.

Part 53—Amendment of *Members of Parliament (Register of Interests) Act 1983*

Part 54—Amendment of *Mental Health Act 1993*

Part 55—Amendment of *Natural Resources Management Act 2004*

Part 56—Amendment of *Occupational Therapy Practice Act 2005*

The amendments proposed to the preceding Acts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 57—Amendment of *Parliamentary Superannuation Act 1974*

The amendments proposed to section 5 of this Act would have the effect of inserting new definitions of ***spouse*** and ***de facto partner*** and deleting the definition of ***putative spouse***. ***De facto partner*** in relation to a deceased member or deceased member pensioner is defined to mean a person who was the member or member pensioner's de facto partner within the meaning of the *Family Relationships Act 1975* at the date of the death of the member or member pensioner. This clause also proposes consequential amendments.

Current section 7A provides that a person who is the same sex partner of a member can apply to the District Court for a declaration that he or she is the putative spouse of the member. The District Court is required to make the declaration if the relationship between the 2 persons satisfies certain criteria. This section is redundant as a consequence of the proposed amendments to section 5. As a result of those amendments, the de facto partner of a deceased member, whether of the opposite or same sex as the member, will be entitled to a benefit if he or she is a de facto partner of the member within the meaning of the *Family Relationships Act 1975*. Section 7A is therefore to be repealed.

It is also proposed to repeal section 7B, which provides for the confidentiality of proceedings under section 7A. Section 7B is substantially the same as proposed new section 13 of the *Family Relationships Act 1975*. The protection afforded by section 7B will therefore continue and will apply equally to opposite sex and same sex de facto partners.

Many of the proposed amendments are consequential on the above changes.

An amendment made by a provision of this measure to a provision of the *Parliamentary Superannuation Act 1974* that provides for, or relates to, the payment of a pension, lump sum or other benefit to a person on the death of a member, or former member, applies only if the death occurs after the commencement of the amendment.

Part 58—Amendment of *Partnership Act 1891*

Part 59—Amendment of *Pastoral Land Management and Conservation Act 1989*

Part 60—Amendment of *Pharmacists Act 1991*

Part 61—Amendment of *Phylloxera and Grape Industry Act 1995*

Part 62—Amendment of *Physiotherapists Act 1991*

Part 63—Amendment of *Physiotherapy Practice Act 2005*

Part 64—Amendment of *Podiatry Practice Act 2005*

Part 65—Amendment of *Police (Complaints and Disciplinary Proceedings) Act 1985*

The amendments proposed to the preceding Acts are consistent with the amendments proposed to the majority of Acts by this measure. That is, definitions of de facto partner, domestic co-dependant , domestic partner and spouse are to be inserted appropriately.

Part 66—Amendment of *Police Superannuation Act 1990*

The proposed amendments to this Act are consistent with the amendments proposed to the other superannuation Acts, including the transitional provision.

Part 67—Amendment of *Problem Gambling Family Protection Orders Act 2004*

Part 68—Amendment of *Public Corporations Act 1993*

Part 69—Amendment of *Public Intoxication Act 1984*

Part 70—Amendment of *Public Sector Management Act 1995*

The amendments proposed in the preceding Parts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 71—Amendment of *Public Trustee Act 1995*

This is one of the Acts under which a declaration under the *Family Relationships Act 1975* is required in order to establish whether or not a person is, at a particular date, the de facto partner of another.

Other amendments are consequential.

Part 72—Amendment of *Racing (Proprietary Business Licensing) Act 2000*

Part 73—Amendment of *Renmark Irrigation Trust Act 1936*

Part 74—Amendment of *Residential Tenancies Act 1995*

Part 75—Amendment of *Retirement Villages Act 1987*

Part 76—Amendment of *River Murray Act 2003*

Part 77—Amendment of *South Australian Health Commission Act 1976*

Part 78—Amendment of *South Australian Housing Trust Act 1995*

Part 79—Amendment of *South Eastern Water Conservation and Drainage Act 1992*

The amendments proposed in the preceding Parts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 80—Amendment of *Southern State Superannuation Act 1994*

The proposed amendments to this Act are consistent with the amendments proposed to the other superannuation Acts.

Part 81—Amendment of *Stamp Duties Act 1923*

For the purposes of this Act, a person is the de facto partner of another if the person—

(a) cohabits with the other as a couple on a genuine domestic basis (other than as a legally married couple); and

(b) has so cohabited continuously for at least three years.

This Act currently defines ***spouse*** to include the de facto husband or wife of a person who has been cohabiting continuously with the person for at least three years. The new definition of ***de facto partner*** is consistent with this but includes partners of the same sex.

The definitions of ***domestic co-dependant*** and ***domestic partner*** are consistent with those used across this measure.

Most of the other amendments are consequential. The proposed amendments to section 71CBA will have the effect of extending the stamp duty exemption provided by that section to certain instruments executed under the *Domestic Relationships Property Act 1996* by persons of the same sex who are, or have been, in a de facto relationship. The exemption will also be extended to instruments executed by persons who are, or have been, in a domestic co-dependant relationship.

A transitional provision will provide that an amendment made by this measure to the *Stamp Duties Act 1923* will apply only in relation to instruments executed after the commencement of the amendments.

Part 82—Amendment of *Superannuation Act 1988*

The proposed amendments to this Act are consistent with the amendments proposed to the other superannuation Acts.

It is currently the case under section 38 of the Act that the lawful spouse of a deceased contributor is entitled to a benefit if he or she became the lawful spouse of the contributor before the termination of the contributor's employment or he or she cohabited with the contributor as the contributor's de facto husband or wife or lawful spouse for a period of 5 years immediately before the contributor's death. A spouse who does not satisfy those criteria is nevertheless entitled to a benefit if he or she is the natural parent of a child of the contributor.

As a consequence of proposed amendments, the spouse or de facto partner of a deceased contributor at the time of the contributor's death will be entitled to a benefit irrespective of whether he or she was the contributor's spouse or de facto partner prior to the termination of the contributor's employment. However, because ***de facto partner*** is defined by reference to the *Family Relationships Act 1975*, a person will not be entitled to a benefit as the de facto partner of a contributor unless the person has, at the time of the contributor's death, cohabited with the contributor as a couple for 3 years or the person is the natural parent of a child of whom the contributor is also the natural parent.

A transitional provision consequential on the passage of this measure provides that an amendment made by a provision of this measure to the *Superannuation Act 1988* that provides for or relates to the payment of a pension, lump sum or other benefit to a person on the death of a contributor applies only if the death occurs after the commencement of the amendment.

Part 83—Amendment of *Superannuation Funds Management Corporation of South Australia Act 1995*

Part 84—Amendment of *Supported Residential Facilities Act 1992*

Part 85—Amendment of *Supreme Court Act 1935*

Part 86—Amendment of *Transplantation and Anatomy Act 1983*

Part 87—Amendment of *University of Adelaide Act 1971*

Part 88—Amendment of *University of South Australia Act 1990*

Part 89—Amendment of *Upper South East Dryland Salinity and Flood Management Act 2002*

Part 90—Amendment of *Veterinary Practice Act 2003*

Part 91—Amendment of *Victims of Crime Act 2001*

An amendment to this Act effected by a provision of this measure only applies in relation to a claim for statutory compensation for an injury caused by an offence committed after the commencement of the amendment.

Part 92—Amendment of *Wills Act 1936*

The amendments proposed in the preceding Parts are consistent with the amendments proposed to the majority of Acts by this measure.

Part 93—Amendment of *Workers Rehabilitation and Compensation Act 1986*

It is proposed that, for the purposes of this Act, a person is the de facto partner of a worker if the person cohabits with the worker as a couple on a genuine domestic basis (other than as a legally married couple) and the person—

(a) has been so cohabiting continuously with the worker for a period of 3 years; or

(b) has during the preceding period of 4 years so cohabited with the worker for periods aggregating not less than three years; or

(c) has been cohabiting with the worker for a substantial part of such a period and the Corporation considers that it is fair and reasonable that the person be regarded as the de facto partner of the worker for the purposes of this Act.

A person will also be the de facto partner of a worker if he or she cohabits with the worker as a couple and a child, of whom the worker and the person are the parents, has been born.

Definitions of ***domestic co-dependant*** and ***domestic partner***, consistent with those used across this measure, are also inserted.

Other amendments are consequential.

The transitional clause makes it clear that an amendment to the Act effected by this measure that provides a lump sum or weekly payments to a person on the death of a worker will apply only if the death occurs after the commencement of the relevant amending provision.

Schedule 1—Review of changes effected by this Act

1—Review of changes effected by this Act

As soon as practicable following the two year anniversary of the commencement of Part 33 of the *Statutes Amendment (Relationships) Act 2005*, a review of the operation and effectiveness of the amendments made by the Act must be carried out and a report of the review laid before both Houses of Parliament. Part 33 amends the *Family Relationships Act 1975*.

Ms CHAPMAN secured the adjournment of the debate.

STATUTES AMENDMENT (CRIMINAL PROCEDURE) BILL

In committee.

(Continued from 23 November. Page 4109.)

Clause 2.

The Hon. M.J. ATKINSON: Mr Chairman, the committee may be aware that the Police Association has criticisms of some aspects of the bill. Negotiations with the Police Association are continuing, so it is my intention not to amend the bill in committee and for all amendments to be settled between the houses and moved in another place. If the opposition will not be moving amendments, it may not be necessary to have a committee of the whole.

Ms CHAPMAN: I thank the Attorney-General for that indication. When we debated this matter last night, I indicated that I was aware of a number of amendments and I said that we had not yet seen the submission from the Law Society of South Australia, which apparently was the basis for at least the first draft of these amendments. We were hoping to receive a copy of that from the Attorney's office. The proposal indicated by the Attorney would accommodate our being able to view and consider that submission and, as some concerns have been raised by the Police Association (another important stakeholder in this type of reform), it is even more

important that we consider its concerns. I thank the Attorney for indicating that course of action, which meets with the position of the Liberal opposition.

Clause passed.

Remaining clauses (3 to 14) and title passed.

Bill reported without amendment.

Bill read a third time and passed.

ADELAIDE PARK LANDS BILL

Received from the Legislative Council and read a first time.

The Hon. J.D. HILL (Minister for Health): I move:

That this bill be now read a second time.

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

Leave granted.

The *Adelaide Park Lands Bill 2005* is a major step in an ongoing process to protect and enhance the Adelaide Park Lands as a major identifying cultural icon and community asset of this city. The protection of the Park Lands is also part of a broader Government program to preserve and enhance open space in the metropolitan area generally.

The history of the Adelaide Park Lands, since the original plan of Colonel William Light, is filled with the actions of successive Governments who have alienated parts of it. Some of these actions have created cultural icons and historic buildings in their own right. However, in many cases, the actions have been, on reflection, shortsighted and opportunistic land grabs borne more out of convenience than providing any lasting public benefit in the context of the original purpose of the Park Lands.

In response to previous attempts to create legislation governing the Park Lands, this Government developed a ten-point plan of action in order to progress a holistic and inclusive approach to its protection. As a consequence, the Government has to date:

- undertaken a biodiversity survey of the Adelaide Park Lands in collaboration with the Adelaide City Council;
- identified potential alienated sites for their return to Park Lands and initiated discussions with the Council on the transfer of their care and control;
- worked collaboratively with the Council in the upgrade of the North Terrace precinct and an exploration of ways to improve community access, amenity, heritage interpretation and public usage for the Adelaide Gaol precinct;
- announced its intention to investigate the merit of establishing the Adelaide Park Lands as a State Heritage Area in consultation with the Council; and
- undertaken public consultation on potential options for the management of the Park Lands.

This last action was undertaken by the Adelaide Park Lands Management Working Group, which consisted of a representative from both the Council and the Department for Environment and Heritage as well as a community representative, Mr Jim Daly. Its option paper was released in January 2003 and a consultation report prepared in June 2003. Subsequently, the Working Group reported to the Council and Government with recommendations, which has lead to the legislation before you today.

It is acknowledged that there was a trend, amongst those who contributed to the consultation, towards preference for an independent trust model for managing the Park Lands. However, the consultations also revealed that there was general community recognition of the significant contribution, investment and expertise of the Council to Park Lands management which needed to be acknowledged and factored into any model for the future. As a consequence, the Working Group recommended a management model which made a distinction between land management by the Council and State agencies on the one hand and the need for a strategic policy setting and monitoring body on the other with broad representation.

Following discussions and negotiations with Adelaide City Council a draft Park Lands Bill was released for public consultation in March of this year which sought to implement the management model as well as address other key initiatives from the ten-point plan and recommendations from the Working Group. Negotiations with the Adelaide Parklands Preservation Association and other key stakeholders during its development and subsequent to its release, as well as public feedback, has resulted in a number of changes which have shaped the Bill which is now before you. In this context the Government wishes to acknowledge and thank Members and staff of Adelaide City Council, and members of the executive of the Adelaide Parklands Preservation Association, for the positive and constructive approach taken to the negotiations that were had.

As a consequence, the Bill contains the following key features.

As set out in the statutory principles for the Bill, the Adelaide Park Lands are to be defined so as to correspond to the original general intentions of Colonel Light in 1837, where appropriate, but recognising contemporary boundary arrangements. Consequently, the legislation relates to not only Council controlled land, but also land previously alienated that is now managed by various State institutions and authorities. There are specific exemptions, in particular Commonwealth land and land associated with our parliamentary institutions. In addition, there is a capacity to include the road system throughout the Park Lands. This definition provides a basis for the development of a single Management Strategy for the whole Park Land area within the Adelaide City Council, whether State or Council controlled or roadway, which binds the Government and Council, rather than public institutions operating independently and possibly in conflict.

There is no intention on the Government to shy away from listing all the alienated land, including those controlled by Universities and the Zoo, other than the exemptions previously mentioned. In addition, the legislation creates a requirement for State authorities to prepare, for the first time, publicly available management plans for areas under their care and control, which need to be consistent with the Management Strategy.

It is intended that the Management Strategy, in turn, will also become a defining document with respect to the planning system. With the passage of this Bill, the opportunity presents itself for the Park Lands Management Strategy to be incorporated into the Planning Strategy or the Development Plan.

The responsibility for developing the Management Strategy will rest with a new Adelaide Park Lands Authority created as a subsidiary of Adelaide City Council, but with nominations shared between the Council and the Government. This Authority has primarily a policy and oversight role; it is not charged with managing any part of the Park Lands. The Council and State authorities will retain their responsibilities for day-to-day management of areas under their care and control. The Council will have responsibility for servicing the Authority. Consequently, the Authority will, as for all council subsidiaries pursuant to the *Local Government Act 1999*, develop a business plan and budget and submit these to the Council to ensure its operation. It will be subject to auditing, annual reporting and public meeting requirements as set out in the *Local Government Act 1999*. In addition, the Council will not be able to direct the Authority without first consulting with the Government.

To assist the Council in servicing the new Authority and to assist in implementing the Government's Waterproofing Adelaide strategy, the Government also announced, in March of this year, its intention to replace the current unlimited free potable water arrangement, under the *Waterworks Act 1932*, with a $1 000 000 annual grant. As a consequence, this Bill repeals the free water entitlement to Adelaide City Council and agreement is currently being formulated for the purposes of providing funding to the Council. These arrangements are supported by a clause in the Bill that requires the Minister to take reasonable steps to negotiate an agreement with the Council.

A second statutory principle is for the Park Lands, as a whole, to be held for the use and enjoyment of the public while recognising restrictions to public access exist in certain situations. In this context, given the broad definition for the Park Lands, it needs to be recognised that it currently includes such areas as research laboratories and rail lines which are not freely accessible, nor should be. In addition, the provision of recreational, sporting and event facilities involves the ancillary provision of landscaping works, maintenance facilities, change-rooms and other arrangements which necessitate controls on public access. However, despite the need for this acknowledgement and in recognition of the intent of the statutory principle, the Management Strategy is required to explore options for increasing public access for recreational usage.

The legislation reinforces the current Government's policy of transferring alienated land back to park land usage in two ways. Firstly, the Management Strategy must report on the suitability of

transferring alienated land to Council's care and control and converting it to park land.

Secondly, the Bill sets out a requirement for future Governments to report on and consult with the Council when alienated land is no longer required for its existing use by the occupying authority. Any subsequent transfer can then be implemented through an amendment to the Adelaide Park Lands Plan.

The history of the Park Lands has not only led to areas being alienated, but also created a number of administrative issues associated with the delineation and status of a number of road, tramway and park land areas. Consequently, the Bill has, by necessity, had to include a number of legislative mechanisms and transitional arrangements to deal with these issues. In addition, to avoid similar issues occurring in the future, specific powers have been included to authorise alterations to roads that run through or abut the Adelaide Park Lands. This is by way of consequential amendments to the *Roads (Opening and Closing) Act 1991*. However, this is not a power to create new roads to dissect the Park Lands.

The Bill also provides key consequential amendments to a range of other Acts, in particular the *Development Act 1993* and the *South Australian Motor Sport Act 1984*. The changes to the former legislation will prevent future Governments using either the major project, crown development or electricity infrastructure development powers to provide Ministerial development approval within the Park Lands. The intent is to have the *Development Regulations 1993* subsequently amended, where necessary, to clarify the assessment of such projects in the future by either the Development Assessment Commission or the Council, as appropriate, against the Development Plan.

The amendments to the *South Australian Motor Sport Act 1984* include a requirement for the setting of prescribed works periods within which the Motor Sport Board may occupy the Park Lands in connection with setting up for a motor sport event and its subsequent dismantling. This and other amendments are designed to clarify and limit the capacity of the Board to occupy the Park Lands.

This Bill was borne from a spirit of cooperation with the objective of fostering a collaborative approach to the future protection and enhancement of the Adelaide Park Lands.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

The clause is formal.

2—Commencement

This clause provides that operation of the measure will commence on a day to be fixed by proclamation.

3—Interpretation

This clause provides definitions for a number of terms used in the measure.

Adelaide Park Lands means the Adelaide Park Lands as defined by the Adelaide Park Lands Plan. The Minister is required under Part 3 to define the ***Adelaide Park Lands Plan*** by depositing a plan in the GRO (the General Registry Office at Adelaide).

The ***Adelaide Parklands Authority*** (or ***the Authority***) is the *Adelaide Park Lands Authority* that is established under Part 2.

A ***State authority*** is a Minister or an agency or instrumentality of the Crown. A State authority may also be a body established for a public purpose by or under an Act or established or subject to control or direction by the Governor, a Minister of the Crown or an agency or instrumentality of the Crown (whether or not established by or under an Act or enactment). The definition also refers to any other body or entity brought within the ambit of the definition by the regulations. The definition of State Authority explicitly excludes councils or other bodies established for local government purposes and bodies or entities excluded from the ambit of the definition by regulation.

Under subclause (2), the principles that are to be applied under the ***Adelaide Park Lands Act 2005*** ("the Act") with respect to the concept of use of land are to be the same as the principles that apply with respect to that concept under the *Development Act 1993*.

4—Statutory principles

Clause 4 expresses a number of principles relevant to the operation of the Act. A person or body involved in the administration of the Act, or performing a function under the Act, or responsible for the care, control or management of a part of the Park, must have regard to, and seek to apply, the principles. Those principles are as follows:

- the land comprising the Adelaide Park Lands should, as far as is reasonably appropriate, correspond to the general intentions of Colonel William Light in establishing the first Plan of Adelaide in 1837;
- the Adelaide Park Lands should be held for the public benefit of the people of South Australia, and should be generally available to them for their use and enjoyment (recognising that certain uses of the Park Lands may restrict or prevent access to particular parts of the Park Lands);
- the Park Lands reflect and support a diverse range of environmental, cultural, recreational and social values and activities that should be protected and enhanced;
- the Adelaide Park Lands provide a defining feature to the City of Adelaide and contribute to the economic and social well-being of the City in a manner that should be recognised and enhanced;
- the contribution that the Adelaide Park Lands make to the natural heritage of the Adelaide Plains should be recognised, and consideration given to the extent to which initiatives involving the Park Lands can improve the biodiversity and sustainability of the Adelaide Plains;
- the State Government, State agencies and authorities, and the Adelaide City Council, should actively seek to co-operate and collaborate with each other in order to protect and enhance the Adelaide Park Lands;
- the interests of the South Australian community in ensuring the preservation of the Adelaide Park Lands are to be recognised, and activities that may affect the Park Lands should be consistent with maintaining or enhancing the environmental, cultural, recreational and social heritage status of the Park Lands for the benefit of the State.

Part 2—Adelaide Park Lands Authority

Division 1—Establishment of Authority

5—Establishment of Authority

This clause establishes the Adelaide Park Lands Authority ("the Authority").

Division 2—Board of management

6—Board of management

The Authority will have a board of management comprised of the Lord Mayor (or a person appointed by the Adelaide City Council), four other members appointed by the Council and five members appointed by the Minister.

The Council and the Minister are required to consult with each other in making appointments to the board in order to endeavour to achieve a range of knowledge, skills and experience in the membership of the board across the following areas:

- biodiversity or environmental planning or management;
- recreation or open space planning or management;
- cultural heritage conservation or management;
- landscape design or park management;
- tourism or event management;
- indigenous culture or reconciliation;
- financial management;
- local government.

Specific provision is made so that an incorporated body that has demonstrated an interest in the preservation and management of Adelaide Park Lands for the benefit of the community may nominate a panel of 3 persons, from which the Minister must select 1 person for appointment to the board.

7—Conditions of membership

A member of the board of management is to hold office on conditions determined by the Adelaide City Council after consultation with the Minister. An appointment to the board will be for a period not exceeding three years.

The office of a member becomes vacant if the member—

- dies; or
- completes a term of office and is not reappointed; or
- resigns by written notice to the Adelaide City Council or the Minister (depending on who made the appointment); or

· becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or

· is removed from office under subclause (3).

Subclause (3) provides that a member may be removed from office—

· for breach of, or non-compliance with, a condition of appointment;

· for mental or physical incapacity to carry out duties of office satisfactorily;

· for neglect of duty;

· for dishonourable conduct.

8—Validity of acts

An act or proceeding of the Authority is not invalid by reason of a vacancy in the membership of the board of management or a defect in the appointment of a member.

Division 3—Functions

9—Functions

The Authority's functions are as follows:

· to undertake a key policy role with respect to the management and protection of the Adelaide Park Lands;

· to prepare and, as appropriate, to revise, the Adelaide Park Lands Management Strategy in accordance with the requirements of the Act;

· to provide comments and advice on any management plan prepared by the Adelaide City Council or a State authority under the Act or the *Local Government Act 1999* that relates to any part of the Adelaide Park Lands, and to monitor and, as appropriate, to provide comments, advice or reports in relation to, the implementation or operation of any such plan;

· to provide comments or advice in relation to the operation of any lease, licence or other form of grant of occupation of land within the Adelaide Park Lands;

· on the basis of any request or on its own initiative, to provide advice to the Adelaide City Council or to the Minister on policy, development, heritage or management issues affecting the Adelaide Park Lands;

· to promote public awareness of the importance of the Adelaide Park Lands and the need to ensure that they are managed and used responsibly;

· to ensure that the interests of South Australians are taken into account, and that community consultation processes are established, in relation to the strategic management of the Adelaide Park Lands;

· to administer the Adelaide Park Lands Fund;

· to undertake or support other activities that will protect or enhance the Adelaide Park Lands, or in any other way promote or advance the objects of this Act.

Division 4—Related matters

10—Proceedings

The presiding member of the board will be the Lord Mayor or, if the Mayor is not a member of the board, a member nominated by the Adelaide City Council. The deputy presiding member of the board will be a member nominated by the Minister.

This clause also includes a number of provisions relating to the procedures and quorum of the board.

11—Committees

This clause provides that the board may establish such committees as the board thinks fit to advise or assist the board. A committee may (but need not) consist of or include members of the board of management.

12—Reports

If a member of the board reports a matter relating to the affairs of the Authority to the Minister, the member does not commit a breach of a duty of confidence. The Authority is required to furnish a copy of its annual report to the Minister at the time it furnishes the report to the Adelaide City Council.

13—Interaction with *Local Government Act 1999*

This clause lists some additional provisions that apply in connection with the operation of Schedule 2 of the ***Local Government Act 1999***. Those provisions are:

· the Adelaide City Council must not adopt or amend the charter of the Authority without first consulting the Minister responsible for the administration of the Act and then obtaining the approval of the Minister responsible for the administration of the *Local Government Act 1999*;

· the charter of the Authority must be consistent with the objects of the Act;

· the charter of the Authority must not exclude the operation of Chapter 6 Part 3 of the *Local Government Act 1999* in relation to the proceedings of the Authority;

· the Adelaide City Council must not give a direction to the Authority unless or until the Council has consulted with the Minister;

· the Authority cannot be wound up under the provisions of the *Local Government Act 1999*.

Part 3—Designation of Adelaide Park Lands

Division 1—Definition of Park Lands

14—Definition of Park Lands by plan

Clause 14 requires the Minister to define the Adelaide Park Lands by depositing a plan (to be known as the *Adelaide Park Lands Plan*) in the GRO.

The Adelaide Park Lands are to include—

· the land commonly known as the *Adelaide Park Lands*; and

· *Victoria Square*, *Light Square*, *Hindmarsh Square*, *Hurtle Square*, *Whitmore Square* and *Wellington Square*; and

· *Brougham Gardens* and *Palmer Gardens*,

as determined after taking into account the principles set out in clause 4 and the operation of any other relevant Act.

Any road (or part of a road) running through, or bordering, any part of the park lands, or any part of any square, may be included as part of the Park Lands.

The Park Lands are not to include Parliament House, Old Parliament House, Government House or land vested in the Commonwealth, or an agency or instrumentality of the Commonwealth.

The Park Lands are to include any other land vested in, or under the care, control or management of, the Crown, a State authority or a local government body that is relevant in view of the principles set out in clause 4.

The Adelaide Park Lands Plan may be varied by the Minister by instrument deposited in the GRO. This is subject to the following qualifications:

· a variation must not be made by virtue of which land would cease to be included in the Park Lands except in pursuance of a resolution passed by both Houses of Parliament; and

· a variation must not be made by virtue of which land would be placed under the care, control and management of the Adelaide City Council except at the request, or with the concurrence, of the Council; and

· a variation must not be made by virtue of which land would continue to be included in the Adelaide Park Lands but would cease to be under the care, control and management of the Adelaide City Council except at the request, or with the concurrence, of the Council.

15—Interaction with other Acts

This clause provides that the Minister may vary the Adelaide Park Lands Plan to ensure consistency with the operation of another Act or the operation of a proclamation under Chapter 3 of the ***Local Government Act 1999***, or to ensure consistency with any action being undertaken with respect to the construction or operation of a tramline in Victoria Square. The Minister may do this by instrument deposited in the GRO.

In addition, the Minister will be able, by instrument deposited in the GRO, on the recommendation of the Surveyor-General, vary the Adelaide Park Lands Plan to ensure consistency with any road process under the *Roads (Opening and Closing) Act 1991* that takes effect after the commencement of this Act.

16—Related matters

The Adelaide Park Lands Plan may, for the purposes of Part 3 Division 1 of the Act, be varied by the substitution of a new plan. The Minister may not deposit or vary a plan in the GRO without first consulting the Surveyor-General and the Adelaide City Council.

For the purposes of any other Act or law, land designated in the Adelaide Park Lands Plan as being park lands under the care, control and management of the Adelaide City Council will, insofar as is not already the case, be placed under the care, control and management of the Adelaide City Council.

Such land will also, other than in relation to land held in fee simple, be taken to be dedicated for park land.

A variation to the Adelaide Park Lands Plan that has effect pursuant to the Act will, to the extent that the variation removes land from the Adelaide Park Lands, revoke any dedication of relevant land as park lands (including a dedication that has effect under another Act or has had effect under this Act) and revoke any classification of relevant land as community land under the *Local Government Act 1999*.

The Minister will, in taking action under these provisions, be able to deal with any other related issue concerning the status, vesting or management of the land.

This clause also provides that the Governor may, by proclamation, transfer, apportion, settle or adjust property, assets, rights, liabilities or expenses as between 2 or more parties in connection with the depositing or variation of the Adelaide Park Lands Plan.

Finally, the Minister will be required to give public notice of the fact that he or she has deposited an instrument in the GRO; and the Minister and the Adelaide City Council will be required to ensure that copies of the Adelaide City Park Lands Plan are available for public inspection.

Division 2—Identification of tenure

17—Identification of tenure

This clause requires the Minister to attach a schedule to the plan deposited in the GRO under section 14 that identifies all land (other than public roads) within the Park Lands owned, occupied or under the care, control or management of the Crown or a State Authority, or the Adelaide City Council.

Part 4—Management of Adelaide Park Lands

Division 1—Adelaide Park Lands Management Strategy

18—Adelaide Park Lands Management Strategy

Clause 18 provides that there will be an *Adelaide Park Lands Strategy*, to be prepared and maintained by the Authority. The strategy must—

- include certain specified information in relation to each piece of land within the Adelaide Park Lands owned, occupied or under the care, control or management of the Crown, a State authority or the Adelaide City Council; and
- identify land within the Adelaide Park Lands that is, or that is proposed to be (according to information in the possession of the Authority), subject to a lease or licence with a term exceeding 5 years (including any right of extension), other than a lease or licence that falls within any prescribed exception; and
- identify goals, set priorities and identify strategies with respect to the management of the Adelaide Park Lands; and
- include other information or material prescribed by the regulations; and
- be consistent (insofar as is reasonably practicable) with any plan, policy or statement prepared by or on behalf of the State Government and identified by the regulations for the purposes of the section.

This clause also prescribes a number of procedures and requirements relating to the establishment or variation of the management plan.

Division 2—Management plans

19—Adelaide City Council

This clause requires the Adelaide City Council to ensure that its management plan for community land within the Adelaide Park Lands under Chapter 11 of the *Local Government Act 1999* is consistent with the Adelaide Park Lands Management Strategy. The clause also includes provisions relating to public consultation with respect to a proposed management plan (or proposed amendments to such a plan) and comprehensive review of the Adelaide City Council's management plan for community land within the Adelaide Park Lands.

20—State authorities

Clause 20 applies to a State authority that owns or occupies land within the Adelaide Park Lands, or that has land within the Adelaide Park Lands under its care, control or management (other than land constituting a road or land excluded from the operation of the section by the regulations).

A State authority to which the section applies is required to prepare and adopt a management plan for the part of the Park Lands that it owns or occupies or which is under its care, control or management. The proposed section also prescribes various requirements relating to contents of the plan, public consultation and review.

Division 3—Grants of occupancy

21—Leases and licences granted by Council

This clause provides that the maximum term for which the Adelaide City Council may grant or renew a lease or licence over land in the Park Lands is 42 years. Before the Council grants (or renews) a lease or licence over land in the Park Lands for a term of 10 years or more, the Council must submit copies of the lease or licence to the Presiding Members of both Houses of Parliament. A House of Parliament may resolve to disallow the grant or renewal of a lease or licence.

Part 5—Adelaide Park Lands Fund

22—Adelaide Park Lands Fund

Clause 22 establishes the *Adelaide Park Lands Fund*. The Fund is to consist of—

- any money paid to the credit of the Fund by the Crown, a State authority or the Adelaide City Council; and
- grants, gifts and loans made to the Adelaide City Council or to the Authority for payment into the Fund; and
- any income arising from the investment of the Fund; and
- all other money required to be paid into the Fund under any other Act or law.

Subclause (3) provides that money in the Fund that is not for the time being required for the purposes of the Fund may be invested by the Authority after consultation with the Adelaide City Council.

Under subclause (4), the Authority is authorised to apply the Fund—

- towards increasing or improving the use or enjoyment of the Adelaide Park Lands for the public benefit; or
- towards increasing or achieving the beautification or rehabilitation of any part of the Adelaide Park Lands; or
- towards promoting or increasing the status of the Adelaide Park Lands; or
- in providing for, or supporting, research into any matter relevant to status, use or management of the Adelaide Park Lands; or
- in supporting the improved management of the Adelaide Park Lands; or
- in providing for any other matter that will further the objects of this Act; or
- in providing for the operational costs or expenses of the Authority; or
- in making any payment required or authorised by or under this or any other Act or law.

Part 6—Miscellaneous

23—Steps regarding change in intended use of land

Under clause 23, if land within the Adelaide Park Lands occupied by the Crown or a State authority is no longer required for any of its existing uses, the Minister is required to ensure that a report concerning the State Government's position on the future use and status of the land is prepared within the prescribed period.

The clause also contains a number of provisions dealing with requirements and procedures in relation to the following:

- the contents of the report;
- laying a copy of the report before both Houses of Parliament;
- provision of a copy of the report to the Adelaide City Council;
- discussions with the Council about whether the land should be placed under the care, control and management of the Council.

24—Duties of Registrar-General and other persons

This clause imposes a duty on the Registrar-General, and any other persons required or authorised under an Act or law to record instruments or transactions relating to land to take action necessary to give effect to actions under the measure.

25—Provisions relating to specific land

Under clause 25, the Council continues to have the care, control and management of the dam erected pursuant to

powers conferred by the *River Torrens Improvement Act 1869*, and of the water held by that dam.

By virtue of subclause (3), the waters held by the dam will be taken to constitute part of the Adelaide Park Lands.

26—Regulations

This clause provides that the Governor may make regulations contemplated by the Act or necessary or expedient for the purposes of the Act and includes other provisions relevant to the Governor's power to make regulations.

Schedule 1—Related amendments and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *City of Adelaide Act 1998*

2—Substitution of section 37C

Section 37C of the *City of Adelaide Act 1998* is deleted by this provision and a new section substituted. New section 37C provides that the land known as "The Corporation Acre" within the City of Adelaide is vested in the Adelaide City Council.

Part 3—Amendment of *Development Act 1993*

3—Amendment of section 4—Definitions

Section 4 of the *Development Act 1993* is amended by the insertion of a definition of ***Adelaide Park Lands***.

4—Amendment of section 46—Declaration by Minister

This clause inserts a new subsection into section 46 of the *Development Act 1993*. Section 46 provides for the making of a declaration by the Minister if the Minister is of the opinion that such a declaration is necessary or appropriate for the proper assessment of development or a project of major environmental, social or economic importance. Under the new subsection, a declaration under section 46 cannot apply with respect to a development or project within the Adelaide Park Lands.

5—Amendment of section 49—Crown development

Clause 5 amends section 49 of the *Development Act 1993* by inserting two new subsections. Proposed subsection (18) provides that section 49, which deals with Crown development, does not apply to development within the Adelaide Park Lands. However, proposed subsection (19) allows for the making of regulations under subsection (3) of section 49 with respect to development within the Park Lands that, in the opinion of the Governor, constitutes minor works.

6—Amendment of section 49A—Development involving electricity infrastructure

Proposed new subsection (22) of section 49A of the *Development Act* provides that the section, which deals with development involving electricity infrastructure, does not apply to development within the Park Lands. However, proposed subsection (23) allows for the making of regulations under subsection (3) of section 49A with respect to development within the Park Lands that, in the opinion of the Governor, constitutes minor works.

Part 4—Amendment of *Highways Act 1926*

7—Amendment of section 2—Act not to apply to City of Adelaide

Section 2 of the *Highways Act* provides that the Act does not apply to or in relation to the City of Adelaide. As a consequence of the amendments made by clause 7, the Act will apply, or a specified provision or provisions of this Act will apply, to a road or road work that is within the ambit of a proclamation made by the Governor for the purposes of new subsection (1a). The Minister is required to consult with the Adelaide City Council before a proclamation is made under subsection (1a).

Part 5—Amendment of *Local Government Act 1934*

8—Repeal of Part 16

Part 16 of the *Local Government Act 1934* is repealed. This Part comprises only one section. Section 300A provides that the Governor may direct that an amount not exceeding $40 000 be paid out of the Highways Fund to the council of the City of Adelaide.

Part 6—Amendment of *Local Government Act 1999*

9—Amendment of section 4—Interpretation

This clause amends the *Local Government Act 1999* by the insertion of a definition of ***Adelaide City Council***.

10—Amendment of section 194—Revocation of classification of land as community land

Section 194 of the *Local Government Act 1999* prescribes procedures relating to the revocation of the classification of land as community land. The section provides that the classification of the Adelaide Park Lands as community land cannot be revoked. This clause amends the section by adding the words, "unless the revocation is by force of a provision of another Act". The clause also inserts a new subsection that provides that the Adelaide Park Lands will, for the purposes of subsection (1)(a), be taken to be any local government land within the Adelaide Park Lands, as defined under the *Adelaide Park Lands Act 2005*.

11—Amendment of section 196—Management plans

Section 196 of the *Local Government Act 1999* requires the preparation of management plans for community land. Clause 11 amends the section by inserting new provisions that prescribe requirements in relation to the preparation and adoption of a management plan for the Adelaide Park Lands by the Adelaide City Council.

12—Amendment of section 202—Alienation of community land by lease or licence

The amendments made by this clause are consequential.

13—Repeal of Chapter 11 Part 1 Division 7

This amendment, which repeals provisions in the *Local Government Act 1999* relating to the Adelaide Park Lands, is consequential.

14—Amendment of Schedule 8

Part 1 of Schedule 8 of the *Local Government Act 1999* is repealed.

Part 7—Amendment of *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002*

15—Amendment of section 3—Interpretation

Section 3 of the *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* is amended by the substitution of a new definition of ***Centre land***. The definition refers to proposed new section 3A.

16—Insertion of section 3A

This clause inserts a new section. Section 3A defines the Centre land and provides that the Minister may, by instrument deposited in the Lands Titles Registration Office, vary the Centre land. Under subsection (3), a variation cannot be made by virtue of which land would be added to the Centre land except in pursuance of a resolution passed by both Houses of Parliament. A variation must not be made by virtue of which any land would be placed under the control of the Board of the Botanic Gardens and State Herbarium except with the concurrence of that board.

The Minister is required to consult with the Surveyor-General, and any lessee or other person who may be directly affected, before the Minister deposits an instrument at the Lands Titles Registration Office for the purpose of varying the Centre land.

17—Variation of section 5—Continuation of dedication of Centre land

The amendment made by this clause is consequential.

18—Variation of section 6—Minister may lease Centre land

Section 6 of the *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* provides that the Minister may grant a lease over any part of the Centre land. Under proposed new section 6(9), inserted by this clause, if a variation to the Centre land under section 3A affects land subject to a lease under section 6, the lease, and any related interest or instrument, are varied to take into account the variation to the Centre land.

19—Repeal of Schedule 1

Schedule 1, consisting of a plan of the Centre land, is repealed.

Part 8—Amendment of *Roads (Opening and Closing) Act 1991*

20—Insertion of section 6B

This clause inserts a new provision into the *Roads (Opening and Closing) Act 1991*. Under proposed section 6B, a road within, or adjacent to, the Adelaide Park Lands, may be made wider, narrower, longer or shorter by the Minister in accordance with Part 7B. (Part 7B is inserted by clause 21.)

21—Insertion of Part 7B

Under proposed new section 34G, a person may apply to the Minister to make a road wider, narrower, longer or shorter pursuant to section 6B. The application may be made by the

Commissioner of Highways, the Adelaide City Council or a council whose area adjoins the City of Adelaide. Section 6B applies only in respect of roads within, or adjacent to, the Adelaide Park Lands.

On receiving an application, the Minister (that is, the Minister to whom administration of the *Roads (Opening and Closing) Act 1991* is committed) is required to consult with the Minister for the time being administering the *Adelaide Park Lands Act 2005*.

The section also prescribes various procedures in relation to public notice of an application, representations, the preparation of a report by the Surveyor-General, and orders that may be made under the section.

Part 9—Amendment of *South Australian Motor Sport Act 1984*

22—Amendment of section 3—Interpretation

This clause amends section 3 of the *South Australian Motor Sport Act 1984* by removing the definition of ***parkland***.

23—Amendment of section 20—Minister may declare area and period

As a consequence of this amendment to section 20 of the Act, the Minister may declare a specified period or periods (***prescribed works periods***) during which the South Australian Motor Sport Board may have access to land within a declared area for the purposes of carrying out works in the manner contemplated by section 22(1a) (which is inserted by clause 24).

24—Amendment of section 22—Board to have power to enter and carry out works, etc, on declared area

Under proposed new section 22(1a), the access that the Board may have to land comprising a declared area for a motor sport event during a prescribed works period is, with respect to any relevant category of work, free and unrestricted. This is subject to subsection (2), which provides that the Board must comply with terms and conditions agreed with a relevant council or person having a right of occupation or, in the event of a failure to reach such agreement, terms and conditions determined by the Minister.

Proposed new subsection (2a) provides that the Board must, in exercising its powers under section 22 with respect to a matter that is outside the ambit of subsection (1a), comply with—

- any conditions determined by a relevant council or a person having a right of occupation of the land or any part of the land; or
- if the Minister considers, on application by the Board, that such a condition is unreasonable—any conditions determined by the Minister.

25—Amendment of section 24—Certain land taken to be lawfully occupied by Board

Section 24(2) provides that the Board may, in certain circumstances, fence or cordon off a part of a declared area for a period not falling within the relevant declared period. Proposed new subsection (4), inserted by this clause, provides that the Board must, with respect to the operation of subsection (2), comply with any requirement that applies under section 22.

Part 10—Amendment of *Waterworks Act 1932*

26—Amendment of section 27—Free supply for public purposes within Port Adelaide

Section 27 of the *Waterworks Act 1932* provides that the South Australian Water Corporation must, unless there is a drought or other unavoidable cause, supply to the Corporations of the City of Adelaide and the City of Port Adelaide sufficient water for various purposes within the City of Adelaide and the township of Port Adelaide. This clause amends section 27 by removing references to the City of Adelaide and providing for expiry of the section on a day to be fixed by proclamation.

Part 11—Transitional provisions

27—Boundaries of the City of Adelaide

This transitional provision provides that the boundaries of the City of Adelaide (and, accordingly, the boundaries of any adjoining council) may be delineated by a plan filed or deposited in the Lands Titles Registration Office by the Surveyor-General. The Surveyor-General is required to consult with the Adelaide City Council, and any other relevant council, before he or she files or deposits a plan.

28—Special provisions relating to roads and Adelaide/Glenelg tramline

This clause provides that the Minister may, in the plan deposited in the GRO under clause 14 (the Adelaide Park Lands Plan), on the recommendation of the Surveyor-General—

- designate land forming, or previously forming, part of a public road and that is, immediately before the commencement of the clause, being used by the public as park land as being incorporated into the Adelaide Park Lands as park land; or
- designate land that was, immediately before the commencement of the clause, being used by the public as a road (or as part of a road) as being a public road or a part of a public road.

The Minister may also, in conjunction with depositing the Adelaide Park Lands Plan in the GRO under clause 14, or at a later time, by plan filed or deposited in the Lands Titles Registration Office on the recommendation of the Surveyor-General—

- determine the location of the boundary of any road in existence immediately before the commencement of the clause where the Surveyor-General has certified that there is a degree of uncertainty as to the location of such a boundary;
- determine the location of the boundary of the land that should, in the opinion of the Surveyor-General, be regarded as being reserved for the purposes of the transport corridor containing the Adelaide/Glenelg tramline (as that tramline exists immediately before the commencement of the clause).

The Minister will, in taking action under these provisions, be able to deal with any other related issue concerning the status, vesting or management of any relevant land.

29—Special financial contributions by State Government

The Minister will be required to take reasonable steps to come to an agreement with the Adelaide City Council about funding towards the cost of watering the Adelaide Park Lands.

Mr GOLDSWORTHY secured the adjournment of the debate.

DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

In committee.

(Continued from 21 November. Page 4025.)

Clauses 2 and 3 passed.

New clause 3A.

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

Page 3, after line 9—
Insert:
3A—Amendment of section 3—Objects
Section 3—after paragraph (d) insert:
(da) to facilitate the identification and protection of places of state and local heritage significance; and

This amendment sets out the objectives of this act. Essentially, it amends the objects of the act to include identification and protection of heritage places.

The Hon. I.F. EVANS: I just had to clarify that I was not locking us into a position of supporting all of the government's amendments if we support this one. The opposition does not object to the insertion of this clause.

New clause inserted.

Clause 4.

The Hon. I.F. EVANS: I wonder at the purpose of making the changes to the definitions of 'building work' and 'development' in relation to earthworks, excavation and filling land that is incidental to a building work. What is meant by 'prescribed earthworks' that is not covered in the earlier paragraphs? The earlier paragraphs refer to the

definition of 'building work'. The new definition will include '(including any incidental excavation or filling of land)'. So, if the building work for which you are seeking approval already includes all excavation that is incidental to the building work, or filling of land that is incidental to the building work, what other prescribed earthworks are these changes trying to catch?

The Hon. J.D. LOMAX-SMITH: As I understand it, the prescribed earthworks are defined in the regulations, and, specifically, they are intended to relate to coastal excavations, which would be prescribed.

The Hon. I.F. EVANS: But, if it is coastal excavation, surely it has to relate to the building work, because the definition of 'building work' now includes any excavation that is incidental. So, the next clause must relate to excavation that is not incidental or related to the building work.

The Hon. J.D. LOMAX-SMITH: If I can clarify that, I understand that the definition of 'development' relating to earthworks addressed a Supreme Court decision by clarifying that earthworks associated with building work do not require a separate approval or separate notification, and this means that such work does not require a separate DA and approval. Earthworks which are not directly part of the construction of a building are not to be considered as building work but will require development approval if they are of a nature prescribed in the regulation. This means that larger earthworks in sensitive areas can be controlled, particularly in coastal sites. I do not know whether that helps.

The Hon. I.F. EVANS: I have not seen those regulations, so the minister might be able to forward me a copy of them, if they exist. The way I understand the minister's answer is that a court case has found that excavation or filling, even though it relates to the building work, is not covered by development, and therefore you could possibly do the excavation and filling without development approval and then go to the council or the appropriate body and seek development approval, even though the excavation and filling is already done. Is that what the minister is saying?

The Hon. J.D. LOMAX-SMITH: I think not. The earthwork does not require a separate development approval but, if it is in a sensitive zone, it is caught by the regulations, some of which already exist but I think will be refined. However, we can definitely forward the ones that do exist.

The Hon. I.F. EVANS: So why do earthworks or filling require a separate development application? Surely, you are not putting in place a process where excavation needs a separate application. Surely, the process is that it is all together. I will move on in a minute, but this is how I read it. The definition of 'building work' currently says:

> . . . work or activity in the nature of—
> (a) the construction, demolition or removal of a building; or
> (b) the making of any excavation or filling for, or incidental to, the construction, demolition or removal of a building;

Then you will insert '(including any incidental excavation or filling of land)', so it will read:

> building work means work or activity in the nature of—
> (a) the construction, demolition or removal of a building (including any incidental excavation or filling of land);

So that is defined as building work. Then you come down to the amendment to clause 4(4), and it defines 'development'. 'Development' under the current act means 'building work'. So 'development' already includes the construction, demolition or removal of a building, including (now) any incidental excavation or filling of the land. So in clause 4(4) why then do you need 'prescribed earthworks (to the extent that any such work or activity is not within the ambit of a preceding paragraph)'? The only way they cannot be within the ambit of the preceding paragraph is if they are not related to the building work. So, if they are not related to the building work, why do you need to get development approval? I think that means that you are going to have to get development approval if you want to excavate or fill on your land, even if it is not related to building work.

The Hon. J.D. LOMAX-SMITH: As I understand it, the purpose of these clauses is to make excavations related to a development approval for a building work part of a single application. The problem arose because the Supreme Court, in its decision, suggested that they could be treated separately. The real issue is that, where someone decides to dig a large hole or excavate separately from a genuine building, they would be required to get development approval because that earthworks would be regarded as development, particularly on a coastal protected area. That is as I understand it.

Clause passed.

Clause 5 passed.

Clause 6.

The Hon. I.F. EVANS: Clause 6 introduces codes of conduct for development assessment panels, if my memory serves me right. What is the process of consultation for variation or deletion in the code of conduct? I note that clause 6, which deals with 21(a) of the act, provides that the minister may vary a code of conduct or adopt a new code of conduct. It does not give the minister the power to delete a code of conduct. Once the code of conduct is established, it is there forever. I do not think you will be able to vary it to the point where there is not a code of conduct. I am just wondering what the consultation process is with the development assessment panels to which these codes are going to apply. There is nothing in that clause that provides that the development assessment panels will be consulted in relation to the varying, the establishing or, indeed, the deletion.

The Hon. J.D. LOMAX-SMITH: Currently the community councils have their own codes of conduct for members of relevant council development assessment panels, and these codes vary in degree, detail and the matters covered. The existing best practice council-developed codes of conduct can form the basis for the preparation of the new standardised ministerial codes. In relation to the consultation, as I understand it, the code and any variations to the code will be subject to consultation with the ERD Committee of parliament and the Local Government Association.

The Hon. I.F. EVANS: I am pleased the Local Government Association will be consulted, because it is an important body, and I am pleased the parliament's ERD Committee will be consulted because it is an important body, but it does seem a bit bizarre to me that the very body that this code of conduct is going to apply to will not be consulted. Why would you have a code of conduct for the development assessment panels which you are going to vary or change—I do not think you have the power to delete them—but the development assessment panel to which they are going to apply does not get consulted?

The LGA may well consult the development assessment panels but, of course, if your government gets its way the development assessment panels will have minority local government input and majority independent input. I think it is important that if you are going to continue with that policy then, given that the development assessment panels will have a majority of independent members, the Local Government Association really does not have any business going about

consulting. Well, it does have some business, I guess, but its priority is the local government members more than anything. I am wondering why the government has developed a bill but does not consult the very panels it seeks to provide a code for.

The Hon. J.D. LOMAX-SMITH: As I understand it, all of these panels are delegates or representatives of a council and therefore they have to be representative of the council. They change from time to time and, whilst they might have larger numbers of people that are not elected members, they would still be represented through the Local Government Association which would have a basic standard and which would represent the views of councils. The point of this legislation is to produce consistency and, if you like, a minimum standard which is higher than is suspected to exist now.

The Hon. I.F. EVANS: In the drafting—and I may not have this right—the way I read it, the minister may adopt a code, but it has to cover all four areas in 21(1)(a), (b), (c) and (d). The minister does not have the power to adopt a code for only one of those individually, because it provides 'and' rather than 'or'. I am just wondering whether that is correct and why you would not give yourself flexibility to adopt a code for only one or two of them, if you so wanted, rather than all of them.

The Hon. J.D. LOMAX-SMITH: I think the key phrase is 'may adopt' and 'may' leaves the 'and' open.

The Hon. I.F. EVANS: My point is that once the minister makes a decision to adopt, then I think you are locked into adopting one for all four, rather than any individual one.

The Hon. J.D. LOMAX-SMITH: There is a discretion to make them different, but they may have commonality.

The Hon. I.F. EVANS: I thank the government for adopting my position.

Mr BRINDAL: I want to follow a bit further the line from the member for Davenport, because it was intelligent.

The Hon. J.D. Lomax-Smith: It is intelligent.

Mr BRINDAL: I know; our questions generally are, but some members are capable of asking more intelligent questions than others. The minister should know that.

The Hon. J.D. Lomax-Smith: I am very impressed by that.

Mr BRINDAL: My question is in a similar line to the deputy leader's. The Development Assessment Commission exists by act of this parliament under the Development Act. The fact that the development assessment boards are interrelated with local government is an artifice of this act, the Planning Act. It is not part of local government or the Local Government Act; it is because we have a sphere of local government to which this parliament delegates powers under the planning law. It was always quite clearly explained to the minister for local government of the day that he had no jurisdiction at all in the council's planning jurisdiction, because that was a matter for the minister of planning at the time.

The minister asserts that the consultation that takes place is with the LGA. The LGA is in fact acknowledged now, I believe, in the Local Government Act. The LGA has no standing in the Planning Act, to my knowledge. Therefore a cogent question for the minister to consider is why you consult a body with no authority or standing in matters of planning when, in fact, as the member for Davenport said, you do not consult the body that it is about. Mr Dennis is coming to your assistance. Good. I knew he would have an answer, if the minister did not.

The Hon. J.D. LOMAX-SMITH: My understanding is that we are actually dealing with a planning authority, which is the council, which then delegates its powers to a panel. So the head power, if you like, goes through the council and that is represented on the LGA.

The Hon. I.F. Evans interjecting:

The Hon. J.D. LOMAX-SMITH: Yes, it does; but we were talking about the LGA.

Mr BRINDAL: I do not like to argue with the minister but the minister is correct, the power goes through the act through local government to the planning authorities—there is no concept of the re-aggregation of power in the act. Perhaps the minister, or all the smart lawyers, can point to where in the act it says that councils can get together and form their own peak body which has authority under this act. The authority has been granted under the Local Government Act because we recognise what they have done; it is not granted under this act, and I do not want rubbish answers. I want proper answers, not smart lawyer answers.

The Hon. J.D. LOMAX-SMITH: I think that our officers come here with good grace and try to assist, so I do not think we need to denigrate them.

Mr BRINDAL: I want proper answers.

The Hon. J.D. LOMAX-SMITH: We will endeavour to give you a decent answer but please do not be abusive.

Mrs Geraghty: Absolutely. You are blotting your copybook.

Mr BRINDAL: No, I actually quite admire some of those officers but I just want a proper answer.

The Hon. J.D. LOMAX-SMITH: Subclause 21A(3)(b) actually names the Local Government Association, and it is in statute that the minister will consult with that body. You may not like or approve of the choice, but it is part of the legislation.

Mr BRINDAL: I do not mind if it is in the legislation, but that must have been a more recent addition.

The Hon. J.D. LOMAX-SMITH: Thank you; I will take your apology to the lawyers.

Mr BRINDAL: No; they can hear. I would like to follow the Deputy Leader's line of questioning, because it has been a conscious effort of this government (with mixed reaction from individual members of the opposition I think it is fair to say) regarding whether planning should remain the bailiwick of local government or whether it should be shifted to this mixed mode, which appears to be the preferred preference of the current government. However, I reiterate the Deputy Leader's question in a different way: if we are going to have a new authority that is actually capable of separating itself from local government so that it is not self-interested, why would you then consult the very body that you are trying to separate from and not the body you are trying to create?

The Hon. J.D. LOMAX-SMITH: My view is that we are not trying to disempower local government; we have great respect for local councils and I would always support them. The local council will, of course, initiate PARs, and within their community they will have the power to set the guidelines and the policy. We are only talking about the decision-making process, which can be quite distinct from the policy development.

Mr BRINDAL: If the minister has every confidence in local government as a planning authority, maybe she could explain to this house how the Le Cornu's site has remained underdeveloped for the past 20 years.

The Hon. J.D. LOMAX-SMITH: I probably know more about this issue than anyone in this chamber. It has remained

undeveloped because sometimes the owner's aspirations have not matched the parameters within the planning regulations. Certainly, there have been valid approvals—I have been part of councils that have given valid approvals—but that does not mean that developers always progress the matter.

Clause passed.

Clause 7.

The Hon. I.F. EVANS: This clause deals with a back-flip by the government in relation to the Natural Resources Management Act to override local government in relation to the development of a planning amendment report, as they are known, for their area. What happened, of course, was that during the debate on the Natural Resources Management Act it came to light that the government had moved amendments to that act to give the natural resources management boards the capacity to develop a planning amendment report that would override the local government's planning amendment report. So, the planning policy that the minister is so passionate about remaining with local government would have actually gone, in effect, to the natural resources board—an unelected body who are, essentially, the mouthpiece of the minister because they are appointed by the minister.

When we divided on that issue, to give the government a chance to adopt the principle that they are now putting forward, every one of the government members said that we were wrong and voted to give the unelected natural resources management boards the power to bring in PARs that override the Local Government Act. Here we are two years later, and the government has back-flipped on that and has now decided that the policy-setting mechanism should remain with local government. However, if you read the amendment clearly, it does not help local government that much. While it is a better form of words than was in the Natural Resources Management Act, and while it removes to a large extent the power of the natural resources management boards to make planning amendment reports, the way I read this clause being used by a future minister means that ultimately the minister will get what the minister wants through the natural resource management boards.

What this really says is that a Natural Resources Management Board can request a council to adopt what the Natural Resources Management Board wants. If the council does not agree with it, the Natural Resources Management Board can then go to the government and the minister can stamp it off. The problem I have with the way this clause is drafted is that there is no right of appeal for the council on the time line. I am surprised that the Local Government Association has agreed to this clause. It may not have read into it the way I am reading into it. That often is the case with oppositions. Because we are more political animals, we read into clauses differently from lobby groups. It says here:

> . . . where an NRM board has requested a council to proceed with an amendment on the basis of a regional NRM plan approved by a minister.

So, the plan is already approved by the minister responsible for NRM. Most likely, that plan would have been noted by cabinet, if not approved, because it would have funding implications, so Treasury would have an issue with that plan. Those who are not clear on the NRM plan process should have a look at the huge document it has put out now to be funded by the levy. That will be approved by cabinet. The planning minister who is to approve the PAR that the NRM board wants has already been in the cabinet discussion and is locked in by a cabinet decision on the NRM plan. The minister nods. If the council does not agree with what the NRM board wants, it can go to the minister and the minister can approve it in a time frame that is deemed reasonable by the minister in the circumstances.

Ministers can set their own time line. The minister can set a time line of three days because the minister thinks it reasonable. The minister can set a time line of 10 weeks because the minister thinks it reasonable. That means that there is no appeal here for local government. If the minister really wants to override local government, here is the perfect mechanism, because this clause clearly provides:

> . . . and the council has not acted under section 25 of this act in relation to the matter within a period determined by the minister responsible for the administration of this act to be reasonable in the circumstances—by the minister;

If the minister wants to get up and say 'Here is the PAR that the NRM board wants: you have three days (or 10 days or 10 weeks) because I think that is a reasonable time frame in the circumstances,' ultimately the minister can approve it and there is no right of appeal for local government. While this clause at least adopts the principle that the opposition has been talking about for three or four years in relation to this matter, it does give extraordinary power to the minister of the day and there is no process to set the time frame. There is nothing in this clause that says that local government is going to be consulted. There is nothing in the clause about that at all.

This is simply a mechanism that says, 'Hey, local government: if you don't do what the Natural Resources Management Board wants, the board that I have appointed as minister, then I can set the time frame to approve it and I don't even have to consult you.' The government could have expanded the clause and put in a lot more protections for local government but it has chosen not to do that. I hope that a future minister uses this clause properly and not as a mechanism to try to get round local government when things get difficult.

The Hon. J.D. LOMAX-SMITH: I thank the honourable member for his lucid comments, although I think he is not quite on track with his concerns. As it has been put to me, the subsection (fc) has been inserted to provide that only a council or a minister for urban development and planning and not a regional NRM can introduce a PAR related to NRM matters, in order to provide greater certainty. The amendment (2a) confirms that the minister is to seek the comments of the council before initiating a ministerial PAR. The amendment confirms that only a council or a minister can make amendments to PARs rather than other persons under the NRM Act.

The amendment implements a commitment given by Minister Hill during the second reading explanation on the NRM Bill that this amendment would be made as part of this bill to amend the Development Act rather than as part of the NRM Bill itself. Subsection (2a) has been inserted at the request of the LGA. It allows the relevant councils to provide submissions to the minister on the reasons for their inaction. That is the inaction should a board suggest that a council might wish to prepare a PAR and then not proceed with it. The minister must then still ask the council why it has not proceeded, and any PAR that is performed would still be performed by the council but following a statement of intent signed by the minister.

Mr BRINDAL: I am most concerned by the deputy leader's questions and the minister's answer, because this morning this house considered the matter of stormwater management. The minister would be aware that one of the

great issues for the electorates of Unley, Ashford, West Torrens, Mitcham and a number of other electorates, including Labor electorates, is protection of the safety of their property from flooding. The minister might also be aware—her predecessor was certainly aware—that a great deal of angst occurred in a lot of electorates in those eastern and south-eastern catchments because of the possibility of the creation of a corridor five metres wide from the centre of the creek and the compulsory acquisition of some sort of land or the turning of land into something useful.

Following the deputy leader's logic, which was at no time refuted by the minister, as a result of a ministerial PAR or through the mechanisms outlined by the deputy leader, to which the minister did not disagree, a PAR could be put in place that in effect confiscated land from people under rules, terms and conditions deemed fit by the minister, and as part of a PAR could be mandated on to the councils. So, the councils would have no choice, and it would come into effect. At least when the council is the planning authority, councils are habitually careful, because they have to go to something called an election once every three years. We go to an election once every four years. By doing a planning amendment report by ministerial fiat, and by picking off small groups at once, in theory, it is possible to trample all over people's rights and not affect your electoral chances, because you never hit a big enough group of people all at once to get yourself into electoral trouble. But you do trample over democratic rights and property rights, and that is too horrendous to contemplate.

If the minister would stand up and say, 'We've got no intention of confiscating land' (and I am sure she will say that), a PAR does not necessarily have to confiscate the land. It can just make it illegal for any activity to happen on that land: it would immediately prohibit the possibility of a submission. It may be reasonable to prohibit it, but it would immediately have an effect on the value of people's property.

So, without necessarily even confiscating the land or being compensated for the land, the effect of the PAR could be to devalue the land in the hands of the landowner and have a seriously adverse impact on the future sale of that property. It might, for instance, say, 'There is built form in that flood plain, but this PAR bans any future extensions.' It bans this and bans that, so that the effect would be: if it is there now, you can keep it. However, you cannot do anything and, when it falls down, it will not be there any more. That would mean that, if the member for Light had a house on a flood plain that is currently worth $200 000, after the implementation of a PAR like that, it would probably be worth $2. It would be worth whatever the gladioli farmer wanted to pay to grow gladiolus on his block. I think the nub of the deputy leader's question is that that clause cannot be used to trample over people's democratic rights and be used in a way that one would describe as draconian.

The Hon. J.D. LOMAX-SMITH: I think the member for Unley was being a bit cute when he criticised the former minister for responding to community feelings and returning to local government the issues over the flood mitigation: that was being responsive.

Mr Brindal interjecting:

The Hon. J.D. LOMAX-SMITH: No; it was a reasonable thing to do.

Mr Brindal interjecting:

The Hon. J.D. LOMAX-SMITH: The issue about a PAR is that there are a whole lot of checks and balances, consultations and debates that go on in the process, and there are ample protections. In terms of whether a PAR will alter land value or confiscate land, I think this is a misunderstanding of the purpose of the PAR. It will affect land types, but it does not affect the tenure or the ownership. It is not about compulsory acquisition; that is a different issue altogether.

The reality is that any change in land use, in allowable heights or plot ratios, or indeed in a PAR will affect the reversionary values of the land, because the value of the land for a developer relates to the allowable building that can go on that site. Clearly, if you alter that, there will be a change in the reversionary values. That is not new; that has always been the case.

Mr BRINDAL: I want to make sure that this is on the record. Then, the minister is confirming that, using this mechanism, because of the reversionary nature of land valuation, it is possible that a minister—not her, because she is wonderful, equitable and a source of light and learning, but some neanderthal successor who comes after (which is a tautology)—could do this. The fact is that, if the provision exists and it changes the use of land, it could change the value of land. Is it wise to have that sort of provision in an act without the right of appeal and without mechanisms that can be accessed by citizens? I remind the minister that the law exists to protect citizens and not to take rights from them.

The Hon. J.D. LOMAX-SMITH: I do not think the rights have been taken away. One cannot predict the nature of a future parliament or legislate against neanderthal behaviour, but this a safe amendment. The checks and balances are there, and it talks about land use, not tenure. I think the matters mentioned by the member relating to flood mitigation are not ones whereby there will be any compulsory acquisitions. I do not think it is possible under this provision.

Mr BRINDAL: On the advice of the deputy leader, I will accept the minister's word. However, I warn her that, if she is wrong, I will run against her in the electorate of Adelaide.

Clause passed.

New clause 7A.

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

Page 5, after line 6—Insert:

(1) Section 25(12)—delete subsection (12)

(2) Section 25(15)(b)—delete paragraph (b)

New clause 7A requires deletions of two subsections to allow the insertion of a set of clauses. This has been put in place because we are committed to providing certainty for heritage matters, and we would like to find a way whereby the process could be carried out in an orderly manner.

Under this provision, a council is not compelled to perform a heritage survey. However, if it does so, it will require, when considering any amendments to the PAR, that the designation of the buildings or other places are characterised by a qualified heritage adviser. The amendments enable the council to exclude a recommended listed item if there is a proper reason and a proper rationale for doing so and the minister agrees with that rationale.

The amendment talks about agreement by the minister, rather than 'concurrence', as in the original bill, in order to take into account the comments of the LGA. This provides councils with the ability to delete inappropriate items, provides certainty for landowners and the community, and provides proper checks and balances for a PAR. In those instances where a recommended item has not been listed for good heritage or planning reasons, a note to show that a recommended item has not been listed is to be included in the PAR.

Most importantly, the councils will no longer be able to fail to include a recommended local heritage place in the draft PAR merely on the grounds that the owner does not support the listing. I emphasis that the government's proposal does provide the opportunity to delete recommended items prior to exhibition if there is a good heritage or planning reason. Before a council releases a PAR that proposes the listing, it will be required to apply to the minister for interim operation of the PAR, unless the minister has exempted it from this process. This will enable full public debate and the ability of land owners to make submissions, without the fear of demolition applications to thwart the process. This clause also expands the existing requirement for the council to write to all owners of prospective local heritage places to include owners of proposed contributory buildings in proposed local heritage zones. The amendment also requires the landowner to be notified when a local heritage place is proposed to be removed from the list. This represents the amendment filed by the Hon. Caroline Schaefer.

The Hon. I.F. EVANS: I also have amendments to the minister's amendments, so I think the procedure is that I move my amendments at the same time as the minister is moving her amendments.

The CHAIRMAN: We might break the minister's amendment up, because it goes over two pages, and your amendments are to different parts of her amendment. So we will call it 7A and 7B and then we will move through the others.

The Hon. I.F. EVANS: Mr Chair, the minister's first amendment will ultimately be a test clause on a division. If I lose the division, then we will not need to proceed with my amendments. So, I am in the chair's hands as to what point—

The CHAIRMAN: Sorry, what is the test? Is it your amendment?

The Hon. I.F. EVANS: I am moving amendments to the minister's amendment. My amendment is on section 7B.

The CHAIRMAN: I propose to do 7A and then 7B, and then you move your amendment.

The Hon. I.F. EVANS: In relation to 7A, I thank the minister for at least improving what was a bad set of words to a better form of a bad set of words by adopting the opposition's suggestion in relation to the last issue that she raised. Ultimately, we will be voting against the whole clause.

New clause inserted.

New clause 7B.

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

7B—Insertion of section 25A

After section 25 insert:

25A—Heritage matters—council amendments

(1) Section 25 operates subject to the requirements of this section.

(2) If a council is considering an amendment to a Development Plan that may involve the designation of a place as a place of local heritage value then—

(a) the council must—

(i) before it finalises its Plan Amendment Report under section 25(3) and (4), engage a person who is recognised by the South Australian Heritage Council as being appropriately qualified for the purpose to undertake a heritage survey; and

(ii) subject to subsection (3), adopt the advice of that person as to whether or not a particular place should be listed as a place of local heritage value in the Development Plan and proceed to prepare any relevant draft amendment as expeditiously as possible (subject to the operation of section 25 and this section),

(although any advice as to the policies that should apply under the Development Plan in relation to such a place will be provided by the person who is providing advice to the council under section 25(3)); and

(b) subject to any exemption under subsection (10), the council must, before it releases a Plan Amendment Report that proposes the designation of a place as a place of local heritage value for public consultation under section 25, apply to the Minister for a declaration under section 28 so that the amendment may come into operation on an interim basis under that section (and, if the Plan Amendment Report has been divided into parts under section 25(8), then only the part that relates to local heritage will be subject to this requirement).

(3) If—

(a) the person who has undertaken a heritage survey under subsection (2)(a) has advised the council that a particular place should be listed as a place of local heritage value; but

(b) the council believes that that place should not be so listed,

the council may, with the agreement of the Minister, release the Plan Amendment Report for public consultation without that place being listed as a place of local heritage value.

(4) If a particular place is not listed in a proposed amendment to a Development Plan by virtue of the operation of subsection (3), the council must include a note on the matter (in accordance with any prescribed requirement) in the relevant Plan Amendment report that is released for public consultation.

(5) Subject to the operation of subsection (3), a council must release for public consultation as expeditiously as possible any proposed amendment to a Development Plan that designates a place as a place of local heritage value.

(6) If a proposed amendment to a Development Plan under section 25 (after taking into account any step that has been taken under subsection (3) of this section) designates a place—

(a) as a place of local heritage value; or

(b) as a place within a local heritage zone or policy area, or within any other prescribed kind of zone or policy area, that should be subject to additional heritage related policies because of its contribution (or potential contribution) to the character of the zone or area,

the council must, at the time when the relevant Plan Amendment Report is released for public consultation, give each owner of land constituting the place so designated a written notice—

(c) informing the owner of the proposed amendment; and

(d) inviting the owner to make submissions on the amendment to the council within the period provided for public consultation under section 25.

(7) If the effect of a proposed amendment to a Development Plan under section 25 is that a place would cease to be designated as a place of local heritage value, the council must also give each owner of the relevant land a written notice that complies with the requirements of subsection (6).

(8) If an owner of land notified under subsection (6) or (7) objects to the relevant amendment within the period provided for public consultation, the Minister may, after receiving the relevant report of the council under section 25(13)(a), refer the matter to the Advisory Committee for advice and report.

(9) If the Minister takes action under subsection (8), the owner of the land must be given a reasonable opportunity to make submissions to the Advisory Committee (in such manner as the Advisory Committee thinks fit) in relation to the matter before the Advisory Committee reports back to the Minister.

(10) The Minister may exempt a council from the requirement to comply with subsection (2)(b).

(11) To avoid doubt, if a council fails to comply with subsection (2)(b) (and the Minister has not granted an exemption), the Minister may proceed to make a declaration under section 28 in any event.

The Hon. I.F. EVANS: I move to amend the amendment as follows:

Section 25A(2)(a)(i)—

Delete subparagraph (i) and substitute:

(i) before it finalises its Plan Amendment Report under section 25(3) and (4), consider any formal advice obtained from a person who is recognised by the South Australian Heritage Council as being appropriately qualified for the purpose who has been engaged by the council to undertake a heritage survey (if the council has determined to engage such a person); and

So that the house is clear on what we are doing, when the government first introduced its sustainable development bill, it had some provisions in the bill in relation to local heritage—not state heritage or national heritage—but local heritage. When the bill was introduced into the other place, the Democrats moved some amendments and the minister agreed to look at them between the houses. I think the Democrats moved the amendments, and the bill was changed on the understanding that the minister would look at it between houses to see whether the actual effect of the amendments was what the Democrats were claiming. With its amendments, the government is now moving this bill in relation to local heritage back to the position of the former bill in the other place. In other words, it is rejecting the issues raised by the Democrats. Therefore, the opposition is moving the amendments that it had in the other place to our original position.

So, what are the two positions? The broad principle of the government's proposal is that, when a local council is dealing with the planning amendment report that deals with local heritage, the council will have to employ a heritage consultant to advise on the local heritage matters. When the heritage consultant makes a recommendation in relation to a property, the council has no discretion on listing that property on the local heritage list in the PAR. That discretion is taken from the council. That discretion would then lie with the minister. When the planning amendment report comes to the minister, the minister ultimately has the discretion. That is the broad principle. The opposition's amendments simply provide, in principle, that the local council would retain the right to decide whether or not to employ a local heritage consultant, and then it would also ultimately retain the right to decide whether or not properties are listed. So, we leave the discretion with the council, and it gives the discretion to the minister. Those are essentially the broad principles. I do not intend to hold the house long, but I indicate that this is a test clause. If we lose this, we will not proceed with other sections of our amendment.

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

That progress be reported.

The CHAIRMAN: Those in favour, say aye; those against say no.

The Hon. I.P. Lewis: No. Divide! You did not even get a seconder.

The CHAIRMAN: I do not know how many times I have to tell the member for Hammond that if he refers to his standing orders he will learn that no seconder is required in committee. It is quite clear in standing orders. Perhaps the member for Hammond might like to read them.

Progress reported; committee to sit again.

SITTINGS AND BUSINESS

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

That the time for moving the adjournment of the house be extended beyond 5 p.m.

The DEPUTY SPEAKER: Is that motion seconded?

An honourable member: Yes, sir.

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

The Hon. I.P. Lewis: Divide!

The DEPUTY SPEAKER: A division is called for. Ring the bells.

The house divided on the motion:

Mr BRINDAL: On a point of order, Mr Deputy Speaker, I do not want to be difficult, but I think the time is beyond 5 p.m. I wonder whether it is in order to move this motion when it is in fact beyond 5 p.m.

The DEPUTY SPEAKER: Order! When the motion was moved, the clock in the chamber was before 5 o'clock.

While the division was being held:

The SPEAKER: There being only one vote for the noes, the division lapses.

Motion carried.

DEVELOPMENT (MISCELLANEOUS) AMENDMENT BILL

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

That consideration of the bill in committee be now resumed.

The SPEAKER: Is the motion seconded?

An honourable member: Yes, sir.

The SPEAKER: It is. I put the question: those in favour say 'aye', against 'no'. I believe the ayes have it. The committee will resume.

The Hon. I.P. LEWIS: Mr Speaker, before you put that question, I was on my feet. I wish to speak to the motion.

The SPEAKER: It is a procedural motion and not normally debated. The committee will resume.

In committee.

The CHAIRMAN: The minister was responding to the member for Davenport.

The Hon. J.D. LOMAX-SMITH: As I understand the history of these amendments that have now come forward, the minister agreed to discuss this matter between the houses. The version of the amendment that we oppose reflects on the level of professionalism within local government. I think it would be quite shocking if on a whim local government decided to heritage list a building. There are plenty of many well-meaning people in the community who might like to do a drive-by analysis of buildings that might be eligible for heritage listing, and the amendment put forward by the opposition would allow that to occur.

We contend that along with other areas of public life where there is increased accountability and professionalism, it would be appropriate for a listing to be proposed only if it was made on the basis of a scholarly, academic or meaningful piece of research. That is why we oppose these amendments. We particularly suggest that it would be unfair for landowners to be subjected to the uncertainty of a whimsical application for listing. We want decisions to be made on some professional basis. Also, we would not expect a council

to delete a proposed listing without cause but to employ a professional heritage consultant.

The amendments put forward by the opposition would allow such buildings to be removed from the list without proper cause. As it is, the alternative amendments allow there to be professionalism and a proper process whereby there can be an arbitration, if you like, of listing disputes. We would oppose these amendments, because we feel that there will be uncertainty, more disputes, more confusion and delay and, ultimately, increased costs to property owners who were in dispute, as well as councils.

Mr BRINDAL: I rise on a point of order, Mr Chairman. With the greatest of respect, one of the longest standing traditions in this place is that, when the house is in committee, the Speaker does not occupy the chair. It is disorderly for the Speaker to be in the chair. It is disorderly for the Speaker to occupy the chair of the house when the Chairman of Committees is chairing the committee.

The CHAIRMAN: Order! I uphold the point of order. The Speaker is out of order and will leave the chair.

The Hon. I.F. EVANS: Mr Chairman, I always thought you would do a good job, and that is why I nominated you.

The CHAIRMAN: I would hate to have to name the Speaker!

The Hon. I.F. EVANS: Minister, what is the formal qualification required to become a heritage consultant?

The Hon. J.D. LOMAX-SMITH: The deputy leader, I think, already has this documentation in writing. I am informed that it was provided to the opposition at an earlier stage.

The Hon. I.F. EVANS: Can the minister remind the committee of it?

The Hon. J.D. LOMAX-SMITH: Yes. We can provide it again to the deputy leader, because I know how difficult it is to keep all these pieces of paper together—I often struggle. As I understand it, they will be recognised by their listing with the State Heritage Authority. They will have suitable qualifications, which are also documented, and they should have three years of experience. We can provide that document again to the member. I believe he has it already, but if it is—

The Hon. I.F. Evans: There is a degree, is there?

The Hon. J.D. LOMAX-SMITH: There are suitable qualifications—and a range.

The Hon. I.F. EVANS: I apologise to the committee for not bringing that piece of paper with me, but I have obviously slept since I received it. New section 25A(2) provides that, if a council is considering an amendment to a development plan that may involve local heritage, the council must—there is no discretion—before it finalises its PAR, engage a person who is recognised by the South Australian Heritage Council as being appropriately qualified for the purpose to undertake a heritage survey. As long as the South Australian Heritage Council thinks they have the qualification, they get a guernsey. What I want to know is whether there is a TAFE course.

The Hon. J.D. Lomax-Smith interjecting:

The Hon. I.F. EVANS: There is not a TAFE course? There is no degree. So, all we have is a person in the community who has spent some years looking at local heritage, but they are no better qualified than the local councillor who has been in the area for 20 years to decide whether or not something is of local heritage significance. What makes them any different from someone such my father, for instance, who has been on the local council for many years?

The Hon. J.D. Lomax-Smith: He's a heritage item!

The Hon. I.F. EVANS: He could be a heritage item himself: he could be heritage listed. On what basis does the minister think that a person recognised by the South Australian Heritage Council will do any better job than the local council? What the minister is really doing by the amendment is, de facto, taking the decision off the council and giving it to an administrator to recommend to the minister. The local council is now out of local heritage if the amendment gets up: it is as simple as that.

The Hon. J.D. LOMAX-SMITH: No; there has to be a statement of intent that sets out the parameters of the study and the—

The Hon. I.F. Evans interjecting:

The Hon. J.D. LOMAX-SMITH: Directed by the council. I would like to remind the member (because I realise it has been an exciting few weeks and he may not remember this) that the Heritage (Heritage Directions) Amendment Bill 2005 sets out the appropriate qualifications by virtue of skills or experience required to be listed as a person with heritage qualifications.

The Hon. I.F. Evans: They are?

The Hon. J.D. LOMAX-SMITH: Those qualifications are to be determined by the council. The legislation sets in place those qualifications. It is already an act of parliament. It has gone through this place.

The Hon. I.F. EVANS: But it is not a TAFE qualification or a degree: it is simply a set of experiences the person needs to have, is that the case? I will continue while the minister obtains her advice. Take my own electorate. The Magarey family has been in that electorate since the year dot. If they were elected to the council (and many of them have served the district in many capacities), there would be no-one better to judge whether something in the Coromandel Valley area needed to go on the local heritage list. The minister would not have a clue, and a heritage consultant from anywhere else in the state would not have the intimate knowledge of some of those residents who have been there for four, five or six generations. I would strongly disagree with this point. The government is duckshoving the decision from—

The Hon. J.D. Lomax-Smith: What is duckshoving?

The Hon. I.F. EVANS: The government is changing the decision from the council. Under the government's amendments, the council has no discretion. The heritage consultant, with no formal qualifications, has to make a recommendation. It goes to the minister, and the minister decides which one stands or falls. The council is consulted only on the way in and on the way out. After all, this is local heritage; it is not state heritage. We do not consult the federal government about what should be state heritage. Why should local government be overridden by state government in relation to local heritage?

The Hon. J.D. LOMAX-SMITH: I think that the member is not au fait with what happens now. Certainly, the current process requires a statement of intent. Every bone fide council that I know employs heritage consultants. In fact, they make that decision because there is nothing more dangerous than a drive-by assessment. In fact, it is very easy to assess as heritage listable, and local heritage has nothing to do, predominantly, with cultural or social heritage. It is very often on the building itself. There may be a clause that takes into account social or cultural heritage, but mostly decisions are made on the basis of streetscape appearance. To

have a drive-by assessment by a non-expert I think is an insult to property owners.

The Hon. I.F. Evans: You are assuming the council will employ someone who is a non-expert.

The Hon. J.D. LOMAX-SMITH: That is what the opposition's amendments would lead us to allow. We are holding the line on the professionalism and integrity of the experts, as in all PAR preparations. As much as the fourth generation resident of Coromandel Valley might think they were the font of urban design knowledge, the reality is that if a PAR were to be performed in that area you would expect and require the person doing the work to be a member of the planning institute.

The Hon. I.F. EVANS: This is my last contribution on this clause. With due respect to the minister, what she is really saying is that a local council does not have the brains to say, 'We are considering a local heritage matter. Do we need to get some advice? And, if we do need to get some advice, who will we get it from?' Does the minister honestly think that a local council will put itself at risk by employing, as she puts it, a drive-by assessor with no experience? I do not think so. Local government has enough sense to say, 'Here is a local government issue. Do we need to get some advice, and who will we employ?', and they will, almost by natural process, come to the conclusion that they will pick someone they think has the appropriate experience to judge their local issue.

If the minister wants a classic example of where this process will go wrong, the Moana roundabout building was recommended for local heritage approval by the local council and the government took it off, and there has been petition after petition in this place asking for it to be reinstated. It is a classic example of how the state is overriding local government. I trust local government to have enough commonsense to pick an individual with the right experience to judge on the local heritage issue.

The Hon. J.D. LOMAX-SMITH: The public, the experts and the community have every right and expectation that they will be part of the public consultation and the public notification of the heritage listing of buildings. I do not wish to get into individual items, but I understand there was a parliamentary committee that dealt with the building which the member opposite would like to preserve. I do not know all the details about that, but the level of expectation here is about professionalism and not about amateurism.

The Hon. I.P. LEWIS: The reason for my annoyance with this particular clause is not so much the contents of the clause but the manner in which I come to be here today debating it. I do not mind telling you, sir, that this does not appear on the green notice paper that we circulate for the benefit of members to let them know the government's intention, so I was not aware that it was to be debated today and do not have my notes with me. I expected us to have done the Statutes Amendment (Criminal Procedure) Bill and then risen. That is not happening. So it makes me very angry that the government and the opposition think it is okay to just simply ignore other members in this place who do not belong. I do not know who was involved in the decision, but it was not me. No-one told me this was coming on.

The Hon. I.F. Evans: It is on the white paper.

The Hon. I.P. LEWIS: So are 30 or 40 other matters, Mr Chairman. I am not arguing, but I am just pointing out that I thought we had a reasonable expectation that the items on the formal *Notice Paper* of the day, being orders of the day, would be selected by the leader of the government business in this place and advised to the Clerk of the chamber as to what the government wanted to debate on the day by 1 o'clock so that the notice paper called the green paper would be prepared for our benefit. That, of course, really does not matter to the leader of government business in the house, obviously. They just put anything there—or maybe the intention is to deliberately mislead me as to what is happening. Therefore, I am simply distressed by what we are doing.

I come to the matters in the clause which have been the subject of discussion between the minister and the member for Davenport (the Deputy Leader of the Opposition). I do not share the minister's desire to insult local government, nor do I share the member for Davenport's confidence that councils should appoint their own chosen experts in heritage matters to determine what is going on; so that, of the two evils, the lesser one is to make the local government body responsible and accountable. So, on balance, I have to say what the member for Davenport puts to the committee is more attractive to me than the change that the government seeks to reintroduce to the legislation which was removed in the other place.

It has not been my experience, as I said in my second reading speech, that the government of the day can be relied upon to do what is in the best interests of the heritage of the local area. The classic illustration of that was not this government's decision—there are several, but one that I want to refer to—but the previous government's decision about the Tomatin McRae Association's church at Aldinga. The previous government and previous attorneys-general decided simply to ignore that trust, a trust that still continues to this day. It is a particular kind of trust.

The attorney-general of the day, the Hon. Trevor Griffin, had a huge conflict of interest. He was a member of the Presbyterian Church. His church stood to gain. He was not just an ordinary member of the congregation: he was one of its material decision-makers—you might say a corporate director of the church as an institution. Yet he decided in favour of his corporate church's interests against the interests of heritage and against the interests of an existing trust that still exists to this day.

It was the local council that saved that church. It was the first Free Presbyterian Church of its kind built in this state. It was determined by the people before they left Scotland that that is where they would go and take up the land that they had applied for in the South Australia Company to build the church and own the land as a community of folk together. Frankly, if it had not been for the local government the building would have been demolished and the cairn that was erected there by the descendants of the family would have gone with it, and the land would have been sold off for subdivision.

The minister, to her credit, as I said in my second reading speech, could have overridden that decision made by local council, but to her eternal credit (and I wish her a blessing for having done so; and I have absolutely no interest in this matter other than my conscientious belief in heritage) the minister did not exercise the power she had. I think she was probably advised to exercise it and to overturn what the local council decided to do. It was touch and go there for a while.

I tried to draw attention to those matters decently, honestly and honourably in the course of debate during the last parliament. I know that the minister will probably by now have recalled the correspondence we—the minister and I—had on the matter, to see that it was secure. I see now that perhaps the minister understands what the member for

Davenport is saying and what I, too, am saying: that because local government was closer to the scene it made a good decision in that respect.

I can give another illustration: the Claypans so-called hall, or what was to have been an institute building, which was going to be demolished. There is an original resident of Claypans, a fellow who has served the community in many different roles and served the state as a primary producer and member of soil boards, pest and plant control boards and the like, whose name is Michael Kluge. He is an outstanding man. He put his hands in his pocket and paid for that building to remain there. It will, one day, become the centre of a small community, as people decide that they want to live in places where they can enjoy solitude and peace, rather than live in the rush and bustle of the city. Claypans is not far from Purnong.

That man, for many years, has kept that building in good repair, looked after its roof, and paid all the costs associated with it, only to find now that it is beyond his control. He would willingly continue to provide the finances to maintain it, but it has been taken away from him. That is sad. It has been taken away from him not by local government, which wanted it to remain, but by agencies of the state. I say this with a great deal of emotion, because of the kinds of things that I know are at risk. There are many buildings throughout the Mallee that ought to remain there, as well as in other parts of the state, I am equally sure. However, for reasons which are unknown to me and which I cannot fathom, there seem to be people in government agencies advising ministers, who take no account whatsoever of what they often otherwise have been told, to move down paths which result in the destruction of local heritage against the wishes of the majority of the local people.

It is for that strong, emotive reason that I am distressed that I do not have my notes. They would have enabled me to give a concise list of all the things that I have had to deal with over the last couple of decades and put it in the *Hansard* record so that the minister, whom I know to be a reasonable person, could examine them and understand my concern about what is happening here. My notes would have enabled me perhaps to make a more readily comprehensible contribution to the discussion of these provisions in the bill.

I plead with the minister and the government to leave the responsibility in the hands of local government, unless the minister can convince the parliament that local government is mistaken. I do not think the minister, or any minister in the future, ought to be allowed simply to sign off or rubber stamp some advice given by a bureaucrat who could not give a fig about the feelings of the people in the locality. I am sad about that. If the minister and the government simply crunch their numbers on this proposition, to my mind it puts heritage in South Australia at grave risk. There has to be a better way forward than what we have proposed in this legislation at present, by either the government or the opposition. I do not know quite what it is, but I am damned sure that, of the two evils, the lesser is that which has been put by the member for Davenport and the one which the Democrats, to their credit, also have supported.

The committee divided on the Hon. I.F. Evans' amendment to the Hon. J.D. Lomax-Smith's amendment:

AYES (18)

Brindal, M. K.	Brown, D. C.
Buckby, M. R.	Chapman, V. A.
Evans, I. F. (teller)	Goldsworthy, R. M.
Gunn, G. M.	Hall, J. L.

AYES (cont.)

Hamilton-Smith, M. L. J.	Kerin, R. G.
Kotz, D. C.	Lewis, I. P.
Matthew, W. A.	McFetridge, D.
Meier, E. J.	Redmond, I. M.
Scalzi, G.	Williams, M. R.

NOES (22)

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

PAIR(S)

Penfold, E. M.	McEwen, R. J.
Venning, I. H.	Stevens, L.
Brokenshire, R. L.	Wright, M. J.

Majority of 4 for the noes.

Amendment to amendment thus negatived; new clauses inserted.

New clauses 7C, 7D and 7E.

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

7C—Amendment of section 26—Amendments by the Minister
(1) Section 26(6)—delete subsection (6)
(2) Section 26(7)(b)—delete paragraph (b)

7D—Insertion of section 26A
After section 26 insert:

26A—Heritage matters—Ministerial amendments

(1) Section 26 operates subject to the requirements of this section.

(2) If the Minister is considering an amendment to a Development Plan that may involve the designation of a place of local heritage value then the Minister must—

(a) before he or she finalises the relevant Plan Amendment Report under section 26(1), arrange for a person who is recognised by the South Australian Heritage Council as being appropriately qualified for the purpose to undertake a heritage survey; and

(b) adopt the advice of that person as to whether or not a particular place should be listed as a place of local heritage value in the Development Plan (subject to the operation of section 26 and this section), unless the Minister considers that there are cogent reasons for not adopting that advice (and subject to the qualification that any advice as to the policies that should apply under the relevant Development Plan in relation to any listed place will be provided by the person who is providing advice to the Minister under section 26(1)).

(3) If a particular place is not listed in a proposed amendment to a Development Plan despite the advice provided under subsection (2)(a), the Minister must include a note on the matter (in accordance with any prescribed requirement) in the relevant Plan Amendment Report that is released for public consultation.

(4) If a proposed amendment to a Development Plan under section 26 designates a place—

(a) as a place of local heritage value; or

(b) as a place within a local heritage zone or policy area, or within any other prescribed kind of zone or policy area, that should be subject to additional heritage-related policies because of its contribution (or potential contribution) to the character of the zone or area,

the Minister must, at the time when the relevant Plan Amendment Report is released for public consultation,

give each owner of land constituting the place so designated a written notice—

(c) informing the owner of the proposed amendment; and

(d) inviting the owner to make submissions on the amendment within the period provided for public consultation under section 26.

(5) If the effect of a proposed amendment to a Development Plan under section 26 is that a place would cease to be designated as a place of local heritage value, the Minister must also give each owner of the relevant land a written notice that complies with subsection (4).

(6) The Minister may then seek the advice of the Advisory Committee on any submission made under subsection (4) or (5).

7E—Amendment of section 28—Interim development control

(1) Section 28(1)—delete 'the Governor' wherever occurring and substitute, in each case:
the Minister

(2) Section 28(4)(a)—delete 'the Governor' and substitute:
the Minister

New clauses inserted.

Clause 8.

The Hon. I.F. EVANS: I am not sure what this clause seeks to achieve. It deletes the words 'strata plan' from a couple of clauses and substitutes, 'in the proposed manner'. In clause 8(4) section 33 it also talks about division of land under community titles, etc. I am not sure why we need that last clause; what particularly does it do?

The Hon. J.D. LOMAX-SMITH: The amendment overcomes the problems whereby a limited number of proponents use the Community Titles Act to construct infrastructure to a lower standard than that required for a land division under the Development Act, and hence cause future maintenance problems. So it is to avoid future problems under community title legislation.

The Hon. I.F. EVANS: I am glad the minister has raised this point, because I think there is an issue with community titles in relation to maintenance and, in particular, to what happens if the developer of a community title goes broke. When you build a house there is a home owners' and builders' indemnity scheme; there is no such scheme for community titles. I have an example in my electorate in Darlington, where a community title has been used for a seven or eight house development (in fact, it might even be more than that).

While the developer has not yet gone broke, there is some doubt about the developer's enthusiasm to complete the work to the appropriate standard. What measures is the government putting in place to guarantee that the clients of the community title development, those who then build a house on the community title development, have some recourse if the person developing the community title goes bankrupt?

The Hon. J.D. LOMAX-SMITH: I think the matter resides within the Community Title Act and I cannot give the information to the member that he requests, although I am very happy to take it back to the minister on notice and find out what can be done. I understand that it is possible to give a bond but I do not know enough information about that, and I will obtain it for the honourable member.

Clause passed.

Clause 9.

The Hon. I.F. EVANS: Clause 9 amends section 35 of the act, which relates to assessment against a development plan. Do these amendments limit the right of appeal against a non-complying development?

The Hon. J.D. LOMAX-SMITH: To the extent that some categories that are not specifically mentioned will become on merit, they will not therefore be non-complying for the purposes of appeal. In regard to the other part of the section, where a development is neither complying nor non-complying and it is classed as 'on merit', that will of course affect that ability. Is that the issue that the honourable member is raising?

The Hon. I.F. EVANS: If these two clauses are adopted in their current form, does it further restrict the right of appeal against non-complying development?

The Hon. J.D. LOMAX-SMITH: No, my understanding is that we are relating only to non-specified land uses which, because they are not designated as complying and not designated as non-complying, become on merit and do have the appeal rights.

Clause passed.

Clause 10.

The Hon. I.F. EVANS: This amends section 39 of the act. I wonder why the government has inserted paragraph (e), which provides:

(e) if there is an inconsistency between any documents lodged with the relevant authority for the purposes of this division. . .

This relates to the application and provision of information. So, any document related to the application or provision of information, whether lodged by an applicant or any other person, would ultimately mean that there is a stall in the process. Is that what the government actually means? The way I read this clause, it provides for an inconsistency between any documents lodged, that is, any bit of paper, by any person. It could be the neighbour or it could be a person from the other side of town, and ultimately the authority has to return or forward the document to the applicant or to any other person and determine not to finalise the matter until the matter is resolved or addressed. I think this actually means that if your neighbour down the street makes a claim that is in conflict with the application, you actually have to go back and restart the process or, at least, stall the process. Is that what the government really means?

The Hon. J.D. LOMAX-SMITH: I think the 'other person' might refer to a private certifier or an agent or architect rather than the actual person who owns the property and is the applicant. 'Lodgment' in the act, as I understand it, means lodgment of applications and not lodgment of submissions in complaint and vexatious arguments from neighbours. I was once on a development assessment panel where the on-face view of a development application for an apartment block had three doors and the ground plan showed two doors, and it was plainly visible to anyone with eyes to see that they did not match: there was an inconsistency in the plans. If there is an inconsistency in the plans you could not approve them, because you would not know which version of the facts you were approving. It does not refer to submissions made by complainants, neighbours or any other person, or vexatious people interfering.

The Hon. I.F. EVANS: I am pleased to hear that, but I cannot quite see in the bill where the words 'any other person' restrict the definition to architect, consultant or the private certifiers.

The Hon. J.D. LOMAX-SMITH: It refers to applications. It is an application for planning approval. It is a planning application, so the lodgement refers to documents supporting the lodgment of a planning application, not other persons involved in complaints alleging that it is a brothel in

a shopping centre, complaining about the number of windows overlooking and saying all sorts of vexatious and litigious things.

Clause passed.

Clause 11.

The Hon. I.F. EVANS: I just want to make sure I understand this correctly. This is an amendment to section 41 of the act. So, it is the amendment to clause 11. It refers to the time in which decisions have to be made by the relevant authority. Why did the government adopt the process of saying that, if they do not decide within a certain number of days, it goes to court by application, rather than simply say that it is approved? Why did the government adopt that policy decision? The other policy position would be to say, 'Well, if it is not dealt with by the authority within a certain prescribed period, they have had their chance. It is approved.' All this does is add a cost to it.

The Hon. J.D. LOMAX-SMITH: I think that would be an appalling notion. If the default decision were approval, it would be a travesty of the process, and it would be an abomination on all levels. The reason that these provisions are put in place is that, quite rightly, applicants have the right to timely responses. If councils fail to do things within a reasonable time, they should be given a sturdy hurry up. However, to damage the rights of adjoining property owners by a provision that is a default approval would be an appalling process.

The Hon. I.F. EVANS: So, what happens if, in order to get around this clause, the council says that it is not a merit application, and there is a dispute about whether it is an application on merit—an application of noncomplying? How is that resolved? The way around this clause is for the council to say, 'Well, it is not a merit application.'

The Hon. J.D. LOMAX-SMITH: I understand that there are judicial appeal rights in the case of an improper assessment of the categorisation. Certainly, the question of whether or not an application is timely is the most important consideration. We have all heard stories, and very often the stories of complaints relate to an applicant who has not lodged all the proper documents and then blames the planning authority.

Clause passed.

Clause 12.

The Hon. I.F. EVANS: This is one of the sets of amendments that relate to the changes recommended through the coronial inquest into the Riverside incident, where there were some unfortunate deaths. I do not want these questions to be in any way interpreted that I am against trying to improve the system. I am just trying to work through the practicality of what the minister is proposing.

The way in which this works is that it introduces fines for failure to comply with standards at various times. Is the failure based on the standard that applies at the time of the fault, the time of the application or the time of the specification? I will walk the minister through them. The clause provides:

> If—
>
> (a) any item or materials incorporated into any building through the performance of any building work do not comply with the Building Rules (as modified under this act and subject to any variation. . .
>
> (b) the failure to comply is attributable (wholly or in part)—

that is very broad—

> to an act or omission of a person who designed. . .

That is the architect. So, someone could have designed something one or 1½ years before it was built. If it changes in the meantime, are they liable if an incident occurs? Even though they have designed it to the standard that applied at the time of design, when it was approved that could have changed. When it is built, that could have changed again and, when the truss collapses, the standard could have changed again. So, for the architects and designers, at which point in time does the standard with which they have to comply apply?

The Hon. J.D. LOMAX-SMITH: My understanding is that it is at the time of application, because it would be unconscionable for it to be retrospective. Yet one should not use the plans. It would be easy for the architect to say that they designed it in 1923. There is a drawing of the outside of Parliament House that shows it with a dome. Presumably there are some architect's designs for that, but I am sure that it would not comply now.

The Hon. I.F. EVANS: So, that takes care of the design stage. I assume with manufacturing, then, the time the minister is talking about is at the time of manufacture. Subclause (1)(2a)(b) provides that 'the failure to comply is attributable. . . to an act or omission of a person who designed, manufactured, supplied' the item. That means that a retailer has to be aware of all the building codes. I wonder whether that is practical or realistic. Having been a hardware retailer, I know that when you pick up a bag of cement it is stated on it that it conforms to Australian standard whatever; the retailer has no way of testing that. I can understand why a manufacturer would have to manufacture to the standards, but surely the manufacturer warrants to the retailer that it confirms to the standard.

The Hon. J.D. LOMAX-SMITH: I think there is a phrase in there which helps you: it is 'where it was reasonably foreseeable. I understand that that is the phrase.

The Hon. I.F. EVANS: Read the whole clause, minister, because it says, 'Where it was reasonably foreseeable that the items or materials would be required to comply with the building rules.' Is it not logical that any retailer selling building equipment would assume that it has to comply with the building rules? No retailer is going to sell a product that would not comply with the building rules. So, I think that the retailers are caught unfairly here. The retailer does not manufacture the product. The retailer goes to the wholesaler and they sell nuts and bolts and whatever. It is the manufacturer that warrants that the bolt or the material is to a certain strength. All the retailer does is act as an agent to get it from the manufacturer to the site. No retailer is going to sell a building product, in particular, without reasonably foreseeing that the item or tool would need to comply with the building rules. So, I can understand designers and architects, I can understand manufacturers, but I am not quite sure why suppliers have to be caught by this provision.

While the minister is getting advice, I point out that I am not sure who the supplier is in this case. I will run this past the minister and she can take it on notice, and we will come back to it. Who is the supplier? Is it the wholesaler? Is it the retailer? Is it the tradesman who buys it? The way it works is that a sub-contract steel worker will tender for the steel work. They will buy the bolts from a retailer who buys them from a wholesaler who buys them from an importer who buys them from a manufacturer. Which one of those people has to warrant that the product meets the building standard? It surely has to be the original manufacturer.

How can the wholesaler, the retailer or the tradesman have any better knowledge than the original manufacturer that the item meets the building standards? I do not know whether the

retailing industry was consulted on that provision—I would be interested if it was—but I would suggest that the suppliers would be petrified by this provision, because they have 16, 17, and 20-year old lads and lasses working in their hardware stores who simply pick up the material and say, 'Here it is,' because the manufacturer says it is all right. They ask, 'What do you want?' 'I want a box of bolts,' and they give it out. I do not think that suppliers can actually warrant that it meets the building standards. So, I think that there is an issue on that provision. That is the suppliers, but let us come to the installers. Surely, the installer can be liable only for the standard of the installation. I am not sure that this provision limits their liability just to the installation. The installer would reasonably foresee that the item or materials would have to comply with the building rules. I will leave my comments there and seek leave to continue my remarks at a future sitting date.

The Hon. J.D. LOMAX-SMITH: I am keen to take on notice those questions about the suppliers. I had assumed that all those provisions were directly in response to the Coroner's report; however, I must confess that I have not read it, so I cannot verify that positively. I would have thought that the other issue about the suppliers was that they did not knowingly dilute, modify or alter things for gain, but we will obtain a proper answer on that issue. I will take those questions on notice.

Progress reported; committee to sit again.

MILE END UNDERPASS BILL

The Legislative Council agreed to the bill without any amendment.

VICTORIA SQUARE BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 5.59 p.m. the house adjourned until Monday 28 November at 2 p.m.