LEGISLATIVE COUNCIL

Thursday 14 November 2002

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

RECONCILIATION FERRY

A petition signed by 568 residents of South Australia, concerning a proposed reconciliation ferry and praying that this council will provide its full support to the ferry relocation proposal, prioritise the ferry service on its merits as a transport, tourism, reconciliation, regional development and employment project, and call for the urgent support of the Premier requesting that he engage, as soon as possible, in discussions with Ngarrindjeri community to see this exciting and creative initiative become reality, was presented by the Hon. Sandra Kanck.

Petition received.

CHILD SEXUAL ABUSE

A petition signed by 260 residents of South Australia, concerning the statute of limitations in South Australia for child sexual abuse and praying that this council will introduce a bill to address this problem, allowing victims to have their cases dealt with appropriately, recognising the criminal nature of the offence; and see that these offences committed before 1982 in South Australia are open to prosecution as they are within all other states and territories in Australia, was presented by the Hon. A.L. Evans.

Petition received.

PORT ADELAIDE ENFIELD CITY COUNCIL

A petition signed by 51 residents of South Australia, concerning City of Port Adelaide Enfield Residential development and minor amendments plan amendment report and praying that this council will take such action so as to ensure the granting of an extension of time for receipt of submissions to the City of Port Adelaide Enfield Council, was presented by the Hon. T.G. Cameron.

Petition received.

QUESTION ON NOTICE

The PRESIDENT: I direct that the written answer to the following question, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: No. 60.

GOVERNMENT PRESS SECRETARIES

60. **The Hon. A.J. REDFORD:** How many press secretaries are employed by this government as at 17 October 2002?

The Hon. P. HOLLOWAY: The Premier has provided the following information:

As at 17 October 2002 there were nine media advisers employed by this government plus a media unit manager and a principal media adviser to the Premier.

It should be noted that prior to the current government coming into office, the former government employed 10 media advisers, one media unit manager, three principal media advisers, and one program manager, media unit and one regional media adviser as at 4 March 2002.

QUESTION TIME

NATIONAL WINE CENTRE

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government in the Council, representing the Premier, a question about the National Wine Centre.

Leave granted.

The Hon. R.I. LUCAS: During the estimates committee hearings held in July this year, the Treasurer, Mr Foley, was asked whether or not he could assure the parliament and the committee that in his handling of the negotiations for the privatisation of the National Wine Centre he had complied with all the requirements of the policy document, the Evaluation of Public Sector Initiatives, the requirements of Treasurer's Instructions and also the appropriate Commissioner for Public Employment guidelines. Mr President, you would be aware that on a number of occasions the Auditor-General has commented, in some cases unfavourably, in relation to previous ministers who have not complied with Treasurer's Instructions and Commissioner for Public Employment guidelines. Of course, it is a very serious matter if the Treasurer has not complied with his own instructions and Commissioner for Public Employment guidelines.

The answer to that question was required to be provided by 16 August, but the Treasurer has refused to provide an answer, even though it is now some three months after the due date. I have been advised by a source within Treasury that the Treasurer has some problems in providing an answer on this issue, the clear inference being that he has not complied with all the requirements of those guidelines, Treasurer's Instructions, and The Evaluation of Public Sector Initiatives document.

I am sure, as some have commented to me, if indeed that is the case, the Auditor-General would be unlikely to view that behaviour by this Treasurer favourably if he was to be consistent with his commentary in the past in relation to ministers' actions and compliance or not with Treasurer's Instructions, etc. My question to the Premier is: will he now direct the Treasurer to comply with the requirements of the parliament and provide an answer to this question and ensure that this Treasurer no longer keeps secret the information which has been provided to him in response to this question?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): It is pretty rich that the Leader of the Opposition responsible for the National Wine Centre debacle should seek to attack the Treasurer on actions he has taken. Since 6 March this year, the Treasurer of this state has spent considerable time he could have spent doing other things in relation to the economy of this state in dealing with the mess he inherited in relation to the National Wine Centre. Rather than worrying about answers the current Treasurer has given, I would have thought the question should be asked of the previous treasurer: why did he allow such a project to proceed with such inadequate preparation and scrutiny? What a shambles this particular exercise has been.

As I have said, I know that the Treasurer and officers of the government have spent many hours in trying to get something out of this National Wine Centre debacle, to try to find, first, some way in which the centre could succeed, and, secondly, some other useful function for the centre, if it could not proceed, where it seems that not even the wine

industry itself has been able to make a go of this particular operation.

Given that that is the case, the treasurer has obviously been seeking to recover at least something from the wreckage of this project. I would think that the National Wine Centre is something that the opposition would keep quiet about. I do not know what it will do for wine but it certainly stands as a monument to the incompetence of the previous treasurer.

Members interjecting:

The PRESIDENT: Order! The crow show has finished.

PRISON ESCAPES

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about prison escapes.

Leave granted.

The Hon. R.D. LAWSON: Last Thursday, two prisoners escaped from the Cadell Training Centre. It was reported earlier this week that one of them, Ronald John Walton, had been recaptured by police and was in custody. However, the other, Shane John Adams, 21 years, is still at large. My questions are:

1. Was the minister informed of these escapes and, if so, when?

2. Has Shane John Adams been recaptured?

3. What were the circumstances of these escapes?

4. Can the minister provide details of the number of prisoners who have escaped custody during this calendar year, and how many of them remain at large?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I was in the lands at the time when contact was made with my—

The Hon. Caroline Schaefer: Which side of the line were you?

The Hon. T.G. ROBERTS: At that stage I was on the Umuwa side. I was informed. I could not tell you the exact time, but I will check that detail. I was told that two prisoners had escaped from Cadell, that they were low level security prisoners and at that stage both were still at large. I understand that since then one has been recaptured and the other is still at large. The classification of prisoners in low security prisons such as Cadell is always a vexed question, and the transport of low security prisoners always presents difficulties as well. Many of the prisoners have family commitments that tempt them to escape and, in most cases, they pay with extended sentences or with penalties placed on them when they return. In relation to the other questions, because the details of my contact were sketchy and I was in an isolated area of the state, I will endeavour to bring back a reply.

REGIONAL COMMUNITIES CONSULTATIVE COUNCIL

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Regional Affairs a question about the Regional Communities Consultative Council.

Leave granted.

The Hon. CAROLINE SCHAEFER: As members will recall, the previous government set up the Office of Regional Development and a Regional Development Council which consisted of a number of leading people from across the regions of varying interests and expertise. It was considered important enough at the time that the then deputy premier, the Hon. Rob Kerin, chaired that council. My colleague the Hon. John Dawkins convened the council and chaired the issues group emanating from it, based on the same structure as the very successful food council.

Since the election much has been made of the fact that the Regional Communities Consultative Council will now take the place of the previous council and that it will not be chaired by a politician, because there seems to be some view that, instead of raising the profile, that will minimise the profile. As I understand it, there will also be a greater emphasis on social inclusion. It is some months now since—

The Hon. J.S.L. Dawkins: Three months!

The Hon. CAROLINE SCHAEFER: It is three months since that process was announced. I now ask the minister to name the people who are on the Regional Communities Consultative Council and, in particular, to tell us whom he has appointed as chair.

The Hon. T.G. ROBERTS (Minister for Regional Affairs): The government takes seriously the advice of the bodies that we have set up in the regions, and certainly the Regional Development Task force set up in 1999. The previous government saw consultation with regions as important, and we also see it as important. We are taking a number of steps to build and develop better communications using a slightly different format to that of the previous government. A list of names of the people who have been contacted will be presented to cabinet shortly. I am not at liberty to divulge those names, as I am not sure whether all those people have been contacted and have confirmed that they are available. That should be known within a week and confirmed by cabinet.

The role of the new council is to advise the government about the impact of decisions on regional communities and to advise on opportunities for initiatives that would advance social, economic and environmental development of regional South Australia. It will also advise on the accessibility of government services in regional areas. We are trying to make that contact as easy as possible by providing officers within those regions, where possible, and we are trying to streamline cross-agency programming to make it easier for regional bodies to fit that in.

The Regional Communities Consultative Council will draw its membership from across regional South Australia and will be chaired by a person independent of government with working and living experience in regions, as well as with experience in the senior levels of government. So, the person nominated will have experience at three levels in industry and commerce, living in regional areas and government. Membership will be appointed to capture a wide range of people who live and work in regions and who are committed to the development of sustainable and productive communities in regional areas.

The new council's meetings will normally be held in regions, and additional local people will be invited to join the deliberations of the council for the course of the meeting. The chair of the council will consult with the Minister for Regional Affairs prior to each meeting to identify relevant local representatives, such as major employers, secondary school students, people from local indigenous communities, people representing unions and SAFF, for instance—a well organised union organisation.

Potential members are currently being invited to join the council. It is intended that the first meeting be held by the end of December 2002. We hope that meeting is held in a region where the honourable member can attend it. The Regional

Development Task Force recommended a consultative body on regional development, and the previous government appointed the Regional Development Council to provide advice. The Regional Development Council was chaired by the Hon. Rob Kerin, as stated. We hope to be able to emulate the previous government's levels of productivity and consultation but in a slightly different way, and broaden them out to include local representation that can bring forward issues of a local flavour so that advice can then be passed back down the line across agencies for deliberations.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Have members of the former council been informed that their services are no longer required?

The Hon. T.G. ROBERTS: I have to take that question on notice. I will contact the Office of Regional Development to see whether that task has been undertaken or completed.

The Hon. J.S.L. DAWKINS: I have a supplementary question. What will be the frequency of the meetings of the Regional Communities Consultative Council?

The Hon. T.G. ROBERTS: We will be holding meetings in various regions throughout the state. There will be a rolling meeting program, and we have set aside a budget for the program. The allocation, I think, would enable at least three meetings within a financial year. I think the determination of the meeting will decide the frequency of meetings and the areas in which those meetings will be held.

The Hon. T.J. STEPHENS: I have a supplementary question. Will the minister tell us whether council members will receive a sitting fee?

The Hon. T.G. ROBERTS: My understanding is that there will be a small remuneration for the chair, and there may be expenses for the members. I do not think there will be a sitting fee.

BARLEY MARKETING ACT

The Hon. R.K. SNEATH: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries, a question about a review of the Barley Marketing Act.

Leave granted.

The Hon. R.K. SNEATH: The National Competition Council has made it clear that it has concerns with respect to the barley single desk export arrangements in the grain industry. A review of the Barley Marketing Act is necessary to satisfy the requirements of the competition principles agreement, and to ensure that competition payments due to the South Australian government are not put at risk. Will the minister report to the council what steps have been taken with regard to the review of the Barley Marketing Act?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The review of the single desk of the Barley Marketing Act has been an issue of considerable interest for a long time. I have recently initiated an inquiry into the single desk marketing of barley in South Australia.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Indeed, we have no option. Under the terms of the Barley Marketing Act 1993 it is necessary that I, as minister, undertake a review of the single desk marketing section of the act after 30 November to establish an agreed position with the National Competition Council. The National Competition Council has told the state government that, as South Australia so far has not removed the export monopoly or produced evidence that retaining the monopoly is in the public interest, the state has failed to meet its obligations under the act. Cabinet has agreed to appoint a review panel of three people, to be chaired by Professor David Round, the Director of the Centre for Applied Economics at the University of South Australia's School of International Business. Professor Round will be joined on the panel by the former chief executive of the Department of the Premier and Cabinet, Ian Kowalick, and the deputy chair of the Grains Council, Greg Schultz.

The government has given a firm commitment to the NCC that the review will be open, independent and robust. The terms of reference include: first, to determine the adequacy of the current debate on single desk marketing by updating the Centre for International Economics report (1997) and the Econotech report (2000), which had been commissioned by ABB; secondly, to determine whether any restrictions on competition in place at 30 June next year are clearly and credibly in the public interest; thirdly, to examine alternatives to the objectives of the legislation other than having a legislative monopoly; fourthly, to determine whether the legislation imposes high costs or high entry barriers to market entry or imposes substantial costs on competition; fifthly, to examine the impact on South Australian growers of two years of deregulation in Victoria and other recent changes in the marketing environment; and, finally, to provide a final report to me by April 2003. The National Competition Council as well as the South Australian Farmers Federation have been consulted about this and have agreed to the review process.

SUPPORTED ACCOMMODATION

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about the safety of staff in supported residential facilities in South Australia.

Leave granted.

The Hon. SANDRA KANCK: In the November 2002 edition of the Supported Residential Facilities Association of South Australia newsletter, the President of the association reported a recent incident during which his staff had been 'assaulted, threatened and abused' by a client of mental health services. Staff placed calls to both the ACIS and MAC seeking help to subdue the client. They reached only an answering machine at ACIS and were informed that MAC had closed at 6 p.m. They were forced to place a call to the police, who took the client to the Flinders Medical Centre and returned her, untreated, to the association at 11.30 p.m.

Recognising that this has overlaps into the health portfolio as well, and the minister may need to talk to the Minister for Health, my questions are:

1. Does the minister recognise that staff and clients of the supported residential facilities in South Australia are at risk of security breaches from people who are mentally unwell?

2. Does the minister recognise the need for extra security and support measures for staff at supported residential facilities who deal face to face with difficult clients, sometimes on a daily basis?

3. What current after-hours security and support measures are in place for these facilities, and does the minister deem them adequate?

4. Why was ACIS on answering machine; how long did it take ACIS to respond to this particular incident; and what was its response?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the minister in another place and bring back a reply.

SCHOOLS, INDEPENDENT

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Education and Children's Services, a question about funding for independent schools.

Leave granted.

The Hon. A.L. EVANS: I recently received correspondence from an independent, non-government school which raised an issue relating to funding. I understand from the letter received that independent, non-government schools are eligible to receive government funding if the school is able to provide data which indicates a certain minimum level of class size determined by the non-government school planning policy. I understand that independent schools, in relation to secondary classes, must have a minimum class size of 20 in population catchment areas exceeding 5 000 people if they are to receive government funding. Upon application for funding, an independent school is given the opportunity to reach this target within three years. However, if the school fails, funding is withdrawn. My questions to the minister are:

1. How has the minimum class figure of 20 been determined?

2. Will or has the minister exempted schools from this criteria in the past? If so, under what circumstances?

3. Where an independent, non-government school can demonstrate effective financial management along with reasonable retention rates which project larger class sizes in the future, will the minister consider an exemption for such schools?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer that matter to the Minister for Education and Children's Services for a detailed response. I am aware that funding for independent schools is a fairly complex matter because, of course, it involves significant federal funding. I believe that the federal government is a much more significant source of funding for independent schools than is the state government.

I have a feeling that the minimum class figure might be related to commonwealth measures. Certainly, the commonwealth government does have its own criteria for funding, so I am not quite sure whether the matters raised by the honourable member relate to federal or commonwealth regulations. I will refer those questions to the Minister for Education. I am sure that she can sort out the matter and bring back a reply.

HINDMARSH SOCCER STADIUM

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Recreation, Sport and Racing, a question about the management of the Hindmarsh stadium.

Leave granted.

The Hon. J.F. STEFANI: I am reliably informed that, in mid September and October this year, Mr Peter Lang (Venue Manager of the Hindmarsh stadium), accompanied by Ms Jenny Hughes (a senior officer from the Office of Recreation and Sport), travelled to Sydney to meet officials from Soccer Australia in relation to a 'letter of comfort' dated 4 October 1996 and received in 1996 by the South Australian government from Soccer Australia. The letter of comfort was issued as a condition precedent to a funding deed signed on 14 October 1996 between the South Australian Soccer Federation and the South Australian government, which was acting as the guarantor for a $6 million loan made available by the National Bank to the South Australian Soccer Federation for the first stage of the upgrade of the Hindmarsh stadium.

In fact, when assessing these arrangements, on page 409 of his report, the Auditor-General said:

> In my opinion, those resources have been wasted to the extent that the legal commitments made by the Soccer Federation or the National Soccer League clubs were ineffectual or worthless.

In March 2001 the original funding deed was terminated and the South Australian Soccer Federation surrendered its rights in relation to the lease, management, use and other conditions over the Hindmarsh stadium. The South Australian government has taken full ownership and control of the facility rendering the original letter of comfort required by the funding deed redundant and unenforceable. Also, in March 2001 the South Australian Soccer Federation received $615 000 by way of compensation for forfeiting its rights and other tenures over the Hindmarsh stadium as indicated in the Auditor-General's Report tabled in parliament on 3 October 2001.

It is important for me to mention that, as a condition precedent to the compensation package, the South Australian Soccer Federation was to procure a letter addressed to the federation and to the minister stating that all national league, international or any other matches to be played in South Australia under the jurisdiction or auspices of, or otherwise sponsored or promoted by, Soccer Australia Limited would be played at the Hindmarsh Soccer Stadium for a period of 20 years commencing on the date of the deed, which was executed in March 2001.

I am reliably informed that Soccer Australia has never provided such letter to the South Australian Soccer Federation or to the state government, and therefore the conditions precedent to the compensation agreement have not been met or fulfilled. Given that the letter of comfort received by the South Australian government in October 1996 is legally unenforceable and has been used publicly by both the Premier and the minister to justify the Labor government's demands over the Hindmarsh stadium, my questions to the minister are:

1. Will he advise the council of the purpose that warranted senior public servants to travel to Sydney in September 2001 and again in October 2002?

2. Did he authorise their travel?

3. Does he acknowledge that, in coercing an entity to act in contravention of section 47 of the Trade Practices Act (giving rise to third line forcing), the Office of Recreation and Sport is acting unlawfully?

4. Will the minister table the letter from Soccer Australia addressed to the South Australian Soccer Federation and the minister which was required as a condition precedent to the compensation package executed between the state government and the South Australian Soccer Federation in March 2001?

5. Will the minister table the legal advice, if any, upon which he has acted to direct officers from his department to

pursue the 1996 letter of comfort from Soccer Australia, causing that organisation to unfairly force the Adelaide City Soccer Club, against its will, to incur much greater expenditure, which will impact on the financial status of the club?

6. Will the minister seek the assistance of Premier Mike Rann to urgently refer the restrictive arrangements between Soccer Australia and the South Australian government to the ACCC for immediate investigation and adjudication, as was the case when the Premier referred the AFL matter regarding the use of the MCG for finals matches?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will pass those important questions on to the Minister for Recreation, Sport and Racing in another place and bring back a reply.

ECONOMIC DEVELOPMENT BOARD

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Premier and Minister for Economic Development, a question about the Economic Development Board.

Leave granted.

The Hon. A.J. REDFORD: Last week the chair of the Economic Development Board, Mr Robert Champion de Crespigny, released the 'State of the state' report, which received widespread local media coverage. Page 3 of that report makes a number of assertions, to which I draw members' attention. First, it says:

> Over the past 10 years the South Australian economy has underperformed compared to the Australian economy.

It goes on to say:

> In the past, community and political leaders have too often avoided presenting the hard truths to South Australians.

On the topic of the labour market it says:

> Employment growth in South Australia has lagged national growth.

Under the topic of investment it says:

> Investment is the cornerstone of growth and jobs. South Australia's low investment levels are both a cause and a consequence of the state's poorer performance. That is, low growth and a poor investment performance have reinforced each other over time. Investors do not want to invest in assets or economies not offering competitive returns.

I emphasise the last sentence. It came as a great surprise to me to read in this month's edition of *Property Australia* an advertisement inserted in that publication by the Economic Development Board and the government of South Australia entitled 'South Australia. Fresh thinking'. The advertisement, which seeks to encourage investment in South Australia, states:

> South Australia's new Economic Development Board is a potent 'brains trust' of some of the best business skills in the nation. The board's fresh thinking is building on the state's significant industry achievements that have resulted in export growth consistently above the national average. Discover South Australia's competitive advantages that are contributing to the success of leading companies such as EDS, Motorola, Air International, KBR and many more.

In light of those apparent inconsistent statements, my questions are:

1. How does the Premier reconcile the advertisement that appears in an interstate publication with the document that was released to South Australians last week?

2. Does the Premier endorse the comments that EDS and Motorola are positives in relation to the selling of South Australia to interstate and overseas investors?

3. Will the Premier now recant the substantial criticisms of EDS and Motorola that he made in the seven years leading up to the last election?

4. Does the Premier agree with the implication in the 'State of the state' report that investments in South Australia are made in an economy that is not offering a competitive return?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Premier, but let me say in answer to one of the points that the honourable member made that it is my understanding that the then opposition has not criticised EDS and Motorola. Rather, it was a criticism of the deals that the previous government made in relation to those companies. I am certainly not aware of criticisms of those companies as such; they are significant international companies.

Clearly, certain deals were undertaken by the previous government for which the opposition of the day raised criticisms, but they were criticisms of the former government, not of those companies. I will pass the question on to the Premier for his response.

EMERGENCY SERVICES

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Emergency Services, a question about the emergency services review.

Leave granted.

The Hon. IAN GILFILLAN: On 17 October this year, the Minister for Emergency Services announced a review into emergency services in South Australia. The objective of the review is 'to examine and identify improvements to the management, administration and governance arrangements of emergency services in relation to the following organisations: Country Fire Service; State Emergency Service; South Australian Metropolitan Fire Service; and Emergency Services Administrative Unit'.

In recent times the autonomy of various emergency services has been removed with the creation of the Emergency Services Administrative Unit. The South Australian Country Fire Service is very dependent on volunteers. This is at the very heart of the ethos within the service.

Currently, there are about 17 000 volunteers. They are people who give up their time and energy to protect their local communities from the threat of fire, and they are community-minded people, many of whom are concerned about the increasing loss of autonomy that the CFS is suffering. Members have contacted my office and, to quote one, they see themselves as servants of the community rather than voluntary employees of the government. It is also common knowledge, I am sure, to members of this place and to the minister that without the volunteers and their morale we would have no effective country fire service. I therefore ask the minister:

1. Does he agree that the CFS, by its nature, and depending as it does on volunteers, requires an independent structure?

2. Will he consider returning complete autonomy to the CFS?

3. Is the dismantling of the CFS Board being considered as an option, and has the government sought legal advice on how to remove the SA CFS Board?

4. Will he give an assurance that, regardless of the review, the CFS Board will not be dismantled?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will pass those questions on to the Minister for Emergency Services. I will just say that I am sure all members of the government, and I would hope all members of this council, appreciate the role that is played by volunteers relating to emergency services: the ambulance services; the CFS, in particular; and the SES. One could include a whole lot of other volunteer services. As the Premier has said at numerous community cabinet meetings throughout the state, our society just could not cope without the contribution of volunteers.

But, in relation to the specifics of the question (and as I indicated yesterday in response to a motion which the honourable member had on the *Notice Paper*), the Minister for Emergency Services has outlined a review which is currently being conducted into emergency services. I gave the details of the terms of reference of that review in my response yesterday and, obviously, matters relating to emergency services will also be considered by that review. If the Minister for Emergency Services wishes to make a further contribution on that subject, I will pass it on to the honourable member.

SERVICE SA

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing both the Minister for Transport and the Minister for Administrative Services, a question about customer service offices.

Leave granted.

The Hon. J.S.L. DAWKINS: As members are aware, Service SA offices were established by the previous government in a number of regional centres late last year and early this year. These offices offer face-to-face delivery of government services and products. Customers can register a car, apply for licences and permits, and lodge applications. In addition to a range of other services, Service SA officers can also answer general inquiries; refer people to specialist groups as required; distribute written information about free publications; provide free internet access; and assist people through the maze of government services. Service SA customer service centres are located in Whyalla, Gawler and Port Lincoln, while rural agents are situated in Port McDonnell, Kimba, Keith, Peterborough, Port Broughton, Cleve, Wudinna, Jamestown, Streaky Bay and Yorketown.

I understand that the Department of Administrative and Information Services (DAIS), which is responsible for Service SA, has had negotiations over some months with Transport SA about that department's customer service officers and its staff moving to Service SA. Apparently, delays have occurred in the finalisation of Service SA's position, which is expected to be reflected in a cabinet submission. In the meantime, there is a degree of uncertainty in the minds of Transport SA employees. My questions are:

1. What input have the ministers had in negotiations between DAIS and Transport SA regarding the future of these customer service officers?

2. Do the ministers agree that the delay is causing uncertainty, and certainly anxiety in some cases, for Transport SA officers?

3. Will they indicate when a decision is likely to be made?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions on notice and refer them to the two appropriate ministers and will bring back two appropriate replies.

ROAD SAFETY CONTRACTS

The Hon. DIANA LAIDLAW: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about road safety contracts.

Leave granted.

The Hon. DIANA LAIDLAW: I refer to the road safety initiative entitled Survival Contracts, which was devised by the Nuriootpa police and which has been progressed in that community via the efforts of parents and their children by signing and undertaking commitments to meet road safety obligations. For example, the no-fault contract binds parents to pick up their children at any time that they call, or when they believe their child is at risk. It also obliges the child to recognise and avoid dangerous situations.

This initiative represents an excellent example of the community ownership of road safety that is required in South Australia if ultimately we are to be successful in bringing down the number of road crashes, deaths and injuries on our roads. It is true that the 'top down' legislative approach alone will not be wholly successful in answering the road safety issues that face our community.

Therefore, I welcome the advice that these Survival Contracts will now be developed further by the South Australia Police community programs unit and the traffic training section. It has also been suggested to me—and I think it is an excellent idea, and I pass it on to the minister—that the 24 community road safety groups that have been established across South Australia in the last few years and that were funded by the former government, are well placed to, and should be encouraged to, assist the police advance this contractual initiative within their respective communities. Therefore, I ask the minister:

1. Will he confirm whether all the 24 community road safety groups established across South Australia in the last five years continue to receive funding for administration costs and that the annual grant application process has been retained by this government to progress projects sponsored by local community road safety groups?

2. If these groups are still in existence and are still funded, will he investigate the merits of making it a condition of all road safety administration and grant funding to these groups through Transport SA that they adopt—at least over the next year—in cooperation with the police the promotion of these survival contracts?

3. It has also been suggested to me that a further way to help South Australia Police to fast track these survival contracts would be to make it a requirement of gaining a driver's licence or a probationary licence that it be compulsory (or optional) that these survival contracts be signed in the current form or in a different form between parents and children so that there is an understanding not only with the government and the Registrar of Motor Vehicles but between children and their parents about road safety responsibilities and drink driving. Will the minister also investigate this suggestion and, in terms of all the investigations that I have sought, undertake to bring back a response for the information of the parliament?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer these important

questions to the Minister for Transport in another place and bring back a reply.

YUMBARRA NATIONAL PARK

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about Yumbarra National Park.

Leave granted.

The Hon. D.W. RIDGWAY: On 23 November 1999, this council debated a motion to enable exploration in the Yumbarra National Park. The Hon. Paul Holloway MLC (now the Minister for Mineral Resources Development) is recorded in *Hansard* as having voted against this motion. Since the passing of the motion, Dominion Mining has completed four phases of exploration including mapping, ground geophysical, geochemical and calcrete surveys and shallow drilling. Will the minister assure the council that mining opportunities at Yumbarra will not be blocked by his government?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): Mining opportunities at Yumbarra will certainly not be blocked by the government. At this stage, it is a question of whether the mining companies concerned (Dominion Mining and Resolute) will decide to continue. The policy that the Australian Labor Party took to the last election was that, if the current exploration at Yumbarra—I think the words were—'proved fruitless', the park would be returned to a single proclamation park. The implication in that policy is that—and both the Minister for the Environment and I and others have made this clear—if the exploration is successful that would be accepted.

As far as exploration at Yumbarra is concerned, it is my understanding that the last active exploration that was conducted on that site was in August last year. The company took some calcrete samples and is currently looking at its position as to whether on the basis of that information it should proceed to further exploration. That is my understanding of where the situation in relation to Yumbarra stands at present.

RSPCA

The Hon. M.J. ELLIOTT: I seek to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about RSPCA resources.

Leave granted.

The Hon. M.J. ELLIOTT: I recently received a letter from a constituent expressing their concern about the funding for the RSPCA. I quote from that letter as follows:

> I have been deeply shocked to find out the RSPCA is now so badly under funded that it no longer has the staff or resources to physically follow up all complaints of cruelty to animals. Instead, the RSPCA now has to categorise the complaints it receives and has to make a judgment on whether some complaints are 'less serious' than others. These 'less serious' complaints are then followed up by telephone only: that is, the RSPCA telephones the owners of animals in the 'less serious' category and assesses the situation over the phone. The owners of animals can with total immunity say whatever they like over the phone and can successfully deny all allegations of cruelty of any kind.
>
> I found out about this dreadful problem when I entered a business premises and attempted to hand the manageress a list of helpful hints on the care of a caged cockatiel. The manageress's partner [told me] that they had already had a call from the RSPCA. I later rang the RSPCA. . . and to my horror I found that the RSPCA had made telephone contact only and had been given a litany of response that contradicted everything I had seen. Further, the President of the Bird Care Society has told me that this situation has been an open secret in the animal industry for some time. Pet shops and similar businesses seem to be perfectly well aware that they will not be physically investigated by the RSPCA except in 'serious' cases.

I note that the above account has been verified by witness statement lodged at the Firle Police Station. My questions to the minister are:

1. Can he confirm that RSPCA services have had to face cutbacks due to a reduction in state government funding?

2. If so, can he confirm that these cutbacks now see RSPCA officers phoning the likely perpetrator of cruelty to an animal rather than independently checking whether there is a problem?

3. If not, can he explain why RSPCA officers are phoning the likely perpetrator of cruelty to an animal to ask them about complaints?

4. What does he propose to do to ensure that all those neglecting or harming animals in this state are held accountable for their actions?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to the Minister for the Environment in another place and bring back a reply.

COONGIE LAKES

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for the Environment, a question about Coongie Lakes.

Leave granted.

The Hon. T.J. STEPHENS: The Minister for the Environment announced on 13 October 2002 that his government will exclude all mining and petroleum exploration from key areas of Coongie Lakes. However, the minister has not revealed how key areas are to be defined. Briefing note reference No. 8 provided to the Minister for Mineral Resources Development by his department in budget estimates and obtained by the opposition through freedom of information says, in part:

> Failure to gain reasonable access to the petroleum resources in the Coongie Lakes control zone and environs will put at risk realisation of potentially many millions of dollars of state petroleum assets.

My question is: what will be the effect on future petroleum production of the recent announcement by the Minister for Environment and Heritage of new control zones to exclude petroleum exploration at Coongie Lakes?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): That question is really about petroleum resources in the Coongie Lakes. Petroleum exploration licences five and six covered a significant proportion of the north-east of this state. I think they expired in 1998 or 1999. They had been originally issued to Santos under its original indenture agreement. When they expired a significant area of those licences returned to the state as far as exploration was concerned. I believe the then department of environment and the then office of mines and energy excluded a significant proportion of the region around the Coongie Lakes from consideration for a new exploration permit—although Santos has some existing production licences within the Coongie Lakes region that were exempt from that.

The honourable member was referring to a statement by the Minister for Environment and Conservation restating the policy of the Australian Labor Party at the last election that

key areas of the Coongie Lakes would be protected—currently an exercise being undertaken by the Office of Minerals and Energy Resources as well as the Department of Environment and Conservation, which is looking at this issue in relation to that matter. Obviously a lot of scientific work needs to be undertaken in relation to the environmental value of those areas as well as the economic value of possible petroleum resources. Until that matter is resolved, what one might describe as a moratorium on the issue of any new licences in that region—effectively a moratorium put in place by the previous government—will continue.

SOCIAL INCLUSION UNIT

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Primary Industries, representing the Premier, a question about the Social Inclusion Unit.

Leave granted.

The Hon. A.J. REDFORD: On Tuesday I informed the parliament that I was granted access to minutes of the Social Inclusion Unit through an FOI application. On reading the minutes, I note the following entry in the board minutes of 9 August 2002:

> Monsignor Cappo is to discuss with the Premier the issue of champion ministers and whether ministerial committees need to be established around the three references.

Subsequently the matter of champion ministers was discussed on 24 September at a staff meeting. The minute there states:

> H. Parkes has prepared a draft cabinet pink to establish champion ministers for inter-ministerial group to drive the action plans which come out of the board meeting.

In light of that, I ask the minister:

1. What ministerial committees have been established since this government took office?

2. Has the government decided to appoint champion ministers and, if so, which members of the Rann cabinet have been designated 'champion'?

3. What will be the responsibility of champion ministers and will it affect their existing ministerial responsibilities?

4. What has been the reaction of those ministers not designated as 'champion'?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Rann government has 13 champion ministers, which is exactly 13 more than the previous government had.

OFFICE OF THE NORTH

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Regional Affairs a question about the office of the north.

Leave granted.

The Hon. J.S.L. DAWKINS: Yesterday in this place I raised a question about the northern region strategic forum. In the explanation I mentioned the opening of the new office of the north. I understand, as was indicated yesterday, that the member for Elizabeth and Minister for Health (Hon. Lea Stevens) is the minister responsible for that office and I understand that she may have even been designated as minister for the north. I also understand that Mr Tim O'Loughlin, the CEO of the Department of Transport and Urban Planning will have administrative responsibility for the new office. My question is: if the Minister for Health has been designated as the minister for the north, why would the CEO of a different department be given responsibility for that office?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): The honourable member is right about the office of the north being designated to the Hon. Lea Stevens, Minister for Health. I was not aware that Tim O'Loughlin was designated champion for the office, but if that is the—

The Hon. J.S.L. Dawkins: He has administrative responsibility.

The Hon. T.G. ROBERTS: If that is the case, I will refer the question to the minister. But I do know that, while we are in the northern region, many of the questions that were put to us were of a planning and transport nature.

The Hon. Caroline Schaefer interjecting:

The Hon. T.G. ROBERTS: 'Northern metropolitan' is the designation. Many of the queries that were coming from residents out there were to do with highways, ring roads and transport. That would probably be behind the thinking of making Tim O'Loughlin the person responsible for that area. I will obtain a more definitive answer for the honourable member and bring back a reply.

UPPER SOUTH EAST DRYLAND SALINITY AND FLOOD MANAGEMENT BILL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation) obtained leave and introduced a bill for an act to provide for a scheme to protect and improve the environment and agricultural production in the Upper South-East through the proper conservation and management of water and the initiation or implementation by the government of the state of works and environmental management programs and other initiatives; to make related amendments to the South Eastern Water Conservation and Drainage Act 1992; and for other purposes. Read a first time.

The Hon. T.G. ROBERTS: I move:

> That this bill be now read a second time.

An estimated 250 000 hectares (or 40 per cent) of productive farmland in the Upper South-East have been degraded by salinisation caused by high ground water levels and flooding, and a further 200 000 hectares, including approximately 40 000 hectares of high value wetlands and native vegetation, are at risk. To alleviate this problem, the Upper South-East Dryland Salinity and Flood Management Program (USE program) was initiated with four main elements: drainage, vegetation protection and enhancement, salt land agronomy and wetland enhancement and management.

The program will provide significant environmental, economic and social benefits to the region, but the need to negotiate additional funding and gain certainty of access and management of drains and wetlands in the region has meant that the future of the approved scheme is under threat. Lack of recent progress is partially due to the need to put in place a new funding package. This is currently being negotiated as part of the implementation and national action plan for salinity and water quality arrangements with the commonwealth government and regional communities. The South-East is a priority region for action to address its salinity and water quality issues.

Other factors preventing USE program progress relate to the lack of specific legislation to enable the promulgation of the program and difficulties in applying existing legislation that, in part, have allowed land-holders to construct and control drainage works and refuse access across their land, together with detrimental implications for upstream land-holders as well as native vegetation and wetland habitats. This has led to the need to initiate this new legislation to enable the government to deliver the program effectively for the benefit of all those with a stake in the program, including local land-holders and the broader community with an interest in maintaining the environmental, economic and social values of the region.

The bill proposes a way forward that is transparent to all stakeholders with its provisions only applicable in the Upper South-East of the state. A key feature of the legislation is the identification of corridors of land that have been assessed as being required to implement the drainage aspects of the program. The acquisition of a number of these alignments has already been negotiated with existing land-holders, and are identified in part A of schedule 1 of this bill. The remaining alignments that will be required to implement the program are identified in plans that have been lodged with the Surveyor General and are identified in part B of schedule 1 of this bill (and will consist of a corridor made up of land to a distance of 100 metres on either side of a defined centre line).

All these alignments are to be acquired at no cost by force of the legislation and vested in the minister. It is the government's intent that, when the project works are complete, any excess land within the 200 metre corridors required by this bill will be transferred back to the appropriate party. Non-payment for the acquisition of the project works corridors is a feature of the existing drainage scheme where, with few exceptions to date, land-holders have freely donated their land in recognition of the environmental and productivity benefits the drains will provide. Certainty of alignment will enable the drainage component of the scheme to be completed quickly.

The bill also provides control over the drainage works of private individuals to ensure that the government drainage scheme has priority and that private works cannot conflict with the government scheme. However, complementary beneficial works can be conducted under licence from the minister. In recognition of the potential harm that can be caused to the regional environment, including to the RAMSAR-designated Coorong as well as to other major wetlands and native vegetation, by inappropriate activities, the bill enables the minister to issue a range of orders relating to land management, water management and other activities in the defined project region. The bill also proposes significant penalties for offences within the defined project area and the recognition of the need to ensure that the goals of the project are not subverted.

The bill provides that existing provisions of the South-Eastern Water Conservation and Drainage Act 1992 will not apply to the defined project area. Levies raised from land-holders under that act for the purposes of the USE program will now be raised by the minister under this new legislation. The bill gives the minister the flexibility to initiate negotiations with individual land-holders, where land-holders will be encouraged to offer up biodiversity trade-offs such as protecting native vegetation under management agreements in exchange for removal or reduction of their drainage levy obligations. The main object of this bill is to ensure certainty for the program by providing the minister with the necessary functions and powers to complete the work of protecting and enhancing agricultural land and the natural environment in the Upper South-East.

The Labor government is committed to the completion of this important integrated natural resource management program commenced by the previous government, and considers it vital that this legislation be put in place to provide clarity and underpin rapid progress. The bill has a scheduled review date in four years from the date of proclamation. At this time it is expected that the drainage works will be complete but many of the management agreements with land-holders will continue. Other outstanding matters will also need to be addressed at that stage. The review of the legislation will provide an appropriate opportunity to identify the issues that will need to be addressed in the future, in conjunction with the ongoing activities of the South-Eastern Water Conservation and Drainage Board. It is envisaged that this bill would be able to be repealed at that time.

The government looks forward to the support of parliament in passing this bill as a pivotal means of ensuring the success of the Upper South-East Dryland Salinity and Flood Management Program. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

PART 1

PRELIMINARY

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Clause 3: Interpretation

This clause defines terms used in this bill.

Clause 4: Identification of project and project area

This clause provides that the Governor may, by regulation, establish a scheme to further the objects of this bill. The Upper South East Project, with modifications as thought fit by the Governor, may be adopted and the Governor may set out a scheme for undertaking Project works by the Minister. The scheme may be varied from time to time by the Governor.

The areas of land that are to constitute the Project Area must be described or delineated in the regulations to this bill.

Clause 5: Interaction with other Acts

This bill is in addition to, and does not limit or derogate from, the provisions of any other Act.

PART 2

ADMINISTRATION

DIVISION 1—THE MINISTER

Clause 6: Functions of the Minister

This clause provides that the Minister is to undertake the implementation of the Project, and sets out functions to be adopted by the Minister in doing so, including:

- to provide an effective and efficient system for managing the surface water within the Project Area by conserving, draining, altering the flow or utilising the water in any manner;
- to carry out works for the purpose of altering the level of the water table of lands in the Project Area;
- to undertake initiatives to reduce, and to protect against increases to, salinity levels affecting land in the Project Area;
- to undertake other projects to enhance water conservation, drainage or management within the Upper South East, and the productive capacity of land within the Upper South East;
- to institute or supervise environmental testing, monitoring or evaluation programs within the Upper South East;
- to undertake initiatives to protect, enhance or re-establish any key environmental feature in connection with the implementation of the Project;
- to encourage and assist in the development of environmental management practices and improvement programs in connection with the implementation of the Project;
- to undertake the enforcement of this bill, especially in relation to any action that is inconsistent with the effective and efficient implementation of the Project; and
- to perform other functions assigned to the Minister under this bill.

Clause 7: General powers of the Minister

This clause provides that the Minister has the power to do anything necessary, expedient or incidental to implementing the Project or performing the functions of the Minister under this bill, administering this bill, or furthering the objects of this bill. In doing so, the Minister may:

- enter into any form of contract, agreement or arrangement;
- acquire, hold, deal with or dispose of real or personal property or any interest in real or personal property;
- seek expert or technical advice on any matter from any person on such terms and conditions as the Minister thinks fit;
- carry out projects;
- act in conjunction with any other person or authority.

A "project" includes any form of work, scheme, undertaking or other activity.

Clause 8: Power of delegation

This clause allows the Minister to delegate a power or function of the Minister under this bill. Where provided for in the instrument of delegation, that power or function may also be further delegated.

DIVISION 2—AUTHORISED OFFICERS

Clause 9: Appointment of authorised officers

This clause provides for the appointment by the Minister of authorised officers. Conditions or limitations may apply to the appointment and powers of authorised officers. Identity cards are required to be issued to authorised officers, and an authorised officer must produce an identity card if requested to do so by a person in relation to whom the authorised officer intends to exercise any powers under this bill.

Clause 10: Powers of authorised officers

This clause provides the necessary powers to enable authorised officers to carry out their functions. An authorised officer may, as may reasonably be required in connection with the administration, operation or enforcement of this bill—

- enter any land (except residential premises);
- inspect any place, including the stratum lying below the surface of any land, and water on or under any land, and inspect any works, plant or equipment;
- give directions with respect to the stopping or movement of a vehicle, plant, equipment or other thing;
- take measurements, including measurements of the flow of any water on or under any land or relating to any change in the environment;
- place any markers, pegs or other items or equipment in order to assist in environmental testing or monitoring;
- take samples of any substance or thing from any place (including under any land) or vehicle, plant, equipment or other thing;
- with the authority of a warrant issued by a magistrate, require any person to produce specified documents or documents of a specified kind, including a written record that reproduces in an understandable form information stored by computer, microfilm or other process;
- examine, copy or take extracts from a document or information so produced or require a person to provide a copy of any such document or information;
- take photographs, films, audio, video or other recordings;
- examine or test any vehicle, plant, equipment, fitting or other thing (including any water), or cause or require it to be so examined or tested, or seize it or require its production for such examination or testing;
- seize and retain any vehicle, plant, equipment or other thing that the authorised officer reasonably suspects has been used in, or may constitute evidence of, a contravention of this bill;
- require a person who the authorised officer reasonably suspects has committed, is committing or is about to commit, a contravention of this bill to state the person's full name and usual place of residence and to produce evidence of the person's identity;
- require a person to answer questions;
- give directions reasonably required in connection with the exercise of a power conferred by any of the above paragraphs or otherwise in connection with the administration, operation or enforcement of this bill;
- exercise other prescribed powers.

An authorised officer may exercise a power under this clause to further or enhance the Project Undertaking. An authorised officer may also enter and inspect any place (excepting residential premises) to determine whether a management agreement is being, or has been, complied with.

An authorised officer may be accompanied by assistants where reasonably required.

Subclause (5) provides that an authorised officer may only use force to enter any place or vehicle on the authority of a warrant issued by a magistrate.

Subclause (6) sets out the circumstances in which a magistrate may issue a warrant under subclause (5). A warrant may be applied for either personally or by telephone, and an application must be made in accordance with the regulations.

Clause 11: Hindering, etc., persons engaged in the administration of this Act

This clause provides that a person who:

- without reasonable excuse hinders or obstructs an authorised officer or other person engaged in the administration of this bill; or
- fails to answer a question put by an authorised officer to the best of his or her knowledge, information or belief; or
- produces a document or record that he or she knows, or ought to know, is false or misleading in a material particular; or
- fails without reasonable excuse to comply with a requirement or direction of an authorised officer under this bill; or
- uses abusive, threatening or insulting language to an authorised officer, or a person assisting an authorised officer; or
- falsely represents, by words or conduct, that he or she is an authorised officer,

is guilty of an offence, the maximum penalty for which is a fine of $10 000.

A person is not, however, obliged to answer a question if to do so would tend to incriminate them.

This clause also provides that it is an offence, with a maximum penalty of a fine of $10 000, for a person other than an authorised officer to remove, destroy or interfere with a marker, peg or other item or equipment placed under proposed section 10(1)*(e)* without the permission of the Minister.

PART 3

IMPLEMENTATION OF PROJECT

DIVISION 1—VESTING OF LAND

Clause 12: Vesting of land for drainage purposes

This clause vests all land within a project works corridor in the Minister in an estate in fee simple. All relevant interest in the land are freed and discharged. The Minister may, at any time, enter into possession of that land. No compensation is payable in relation to land vested under this clause.

The Governor may transfer any land within a project works corridor to the former owner of the land, the owner of adjoining land or a public authority if the Governor is satisfied the land will not be required for the purposes of the Project.

The Minister may (subject to any agreement with the relevant owner or occupier of the adjoining land) fence-off land within the corridor that is required for the purposes of the project, and may permit an owner or occupier of adjoining land to use the remaining land for any purpose approved by the Minister.

The clause also provides that the Registrar-General must, on the application of the Minister, issue to the Minister a certificate of title, or certificates of title, with respect to all or any of the land within any project works corridor. The Registrar-General may also take any action in relation to any instrument, or against any land, that the Registrar-General considers appropriate on account of the operation of this clause. This may include noting that the relevant land is affected by the operation of this clause.

The clause clarifies that neither the *Land Acquisition Act 1969* nor the *Crown Lands Act 1929* apply in relation to land vested under this clause. No stamp duty is payable with respect to a vesting of land under this clause.

Clause 13: Compulsory acquisition of land

This clause provides that the Minister may compulsorily acquire land if the Minister considers the land is reasonably necessary for the implementation of the Project or to further or enhance the Project Undertaking.

Unlike the previous clause, the *Land Acquisition Act 1969* applies in relation to land acquired under this clause.

This clause does not affect the ability of the Minister to acquire land by agreement, nor the operation of clause 12 (or any other clause) of this bill.

DIVISION 2—MINISTER MAY UNDERTAKE WORKS

Clause 14: Minister may undertake works

For the purposes of implementing the project, furthering or enhancing the Project Undertaking, or furthering the objects of this bill, the Minister may construct, maintain or remove such works, and undertake any other work, as the Minister thinks fit.

Those works may include the following:

- infrastructure or other devices constructed, established or used for the purposes of conserving, draining or altering the flow of surface water from or onto land or utilising any such water;
- works constructed for the purpose of altering water table levels;
- works constructed for the purpose of protecting, enhancing or re-establishing any key environmental feature, or any other environmental program or initiative;
- works constituting access roads, bridges or culverts;
- works constituting storage or workshop facilities, camps or service facilities.

The work undertaken under this clause may include widening, deepening, cleaning out, shoring up or raising or lowering the banks of any watercourse, lake or other water resource, or raising or lowering the level of any water or water table through any process. It may also include any activities associated with environmental testing, monitoring or evaluation.

DIVISION 3—MANAGEMENT AGREEMENTS

Clause 15: Management agreements

This clause allows the Minister to enter into a management agreement with the owner of land within the Project Area. The management agreement may relate to the conservation or management of water, the management of any water table, the preservation, conservation, management or re-establishment of any key environmental feature, or any other matter associated with the implementation of the Project or furthering or enhancing of the Project Undertaking.

A management agreement may, with respect to the land to which it relates—

- require specified work or work of a specified kind be carried out on the land, or authorise the performance of work on the land;
- restrict the nature of any work that may be carried out on the land;
- prohibit or restrict specified activities or activities of a specified kind on the land;
- provide for the management of any matter in accordance with a particular management plan (which may then be varied from time to time by agreement between the Minister and the owner of the land);
- provide for the adoption or implementation of environment protection measures or environment improvement programs;
- provide for the testing or monitoring of any key environmental feature, or of any matter that may affect a key environmental feature;
- provide for a reduction in, or exemption from, a levy under proposed Part 4 of this bill; or
- provide for remission of rates or taxes in respect of the land; or
- provide for the Minister to pay to the owner of the land an amount as an incentive to enter into the agreement.

A term of a management agreement providing for the remission of rates or taxes has effect despite any law to the contrary.

Subclause (4) requires the Registrar-General, on the application of a party to a management agreement, to note the agreement against the relevant instrument of title or, in the case of land not under the provisions of the *Real Property Act 1886*, against the land.

Subclause (5) provides that a management agreement has no force or effect under this Act until a note is made under subclause (4).

Where a note has been entered under subsection (4), the agreement is binding on both the current owner of the land (whether or not that owner was the person with whom the agreement was made, and despite the provisions of the *Real Property Act 1886*) and any occupier of the land.

The Registrar-General must, on application, enter a note of the rescission or amendment against the instrument of title, or against the land if satisfied an agreement has been rescinded or amended. The Registrar-General must also ensure that the note is not otherwise removed once made.

Subclause (8) provides that, except to the extent that the agreement provides for the remission of rates or taxes, a management agreement does not affect the obligations of an owner or occupier of land under any other Act.

DIVISION 4—ENTRY ONTO LAND

Clause 16: Entry onto land

This clause provides that a person may, for prescribed purposes, enter and pass over any land that is not vested in the Minister, bring vehicles, plant and equipment onto that land, and temporarily occupy land not vested in the Minister. In doing so, a person must minimise disturbances to any land, and, subject to any alternative arrangement agreed between the Minister and owner of the relevant land, must restore any disturbed land to its previous condition. No compensation is payable with respect to the exercise of a power under this clause.

DIVISION 5—PRIVATE WORKS

Clause 17: Requirement for a licence

This clause provides that, unless a person has a licence granted under this proposed Division by the Minister, it is an offence for the person to:

- construct any works within the Project Area; or
- remove any works within the Project Area; or
- close-off, obstruct or in any other way interfere with any works or water resource within the Project Area; or
- undertake any other activity within the Project Area,

if to do so would, or would be likely to—

- interfere with any Project works, or with any proposal under the Project works scheme; or
- stop, increase, decrease or otherwise affect:
  - (a) the movement of water on, or to or from, any land; or
  - (b) the flow of water into or from any Project works; or
  - (c) the flow of water in or into or from a water resource or part of a water resource;
- alter any water table or salinity level in the Project Area; or
- without limiting a preceding point, adversely affect to any significant degree any key environmental feature; or
- without limiting a preceding point, adversely affect to any significant degree any part of the Project Undertaking,

The maximum penalty for an offence under this clause is a fine of $200 000 for a body corporate, or a fine of $100 000, or imprisonment for 2 years, (or both) for a natural person.

Works in existence prior to the commencement of this Act are also subject to this clause, however no criminal liability attaches with respect to an act that occurred before that commencement. Similarly, no liability arises with respect to an act undertaken under a condition of a licence issued under section 43 of the *South Eastern Water Conservation and Drainage Act 1992*, including a licence granted before the commencement of this bill should it be enacted.

Subclause (1) does not, however, apply to a person or authority exempted by the regulations, or in any prescribed circumstances.

Clause 18: Procedure

This clause provides that an application for a license must be made to the Minister in a manner and form determined by the Minister, and allows the Minister to require an applicant to furnish further information or verify information by statutory declaration. A prescribed fee is payable in respect of an application.

Clause 19: Conditions

A licence issued under this proposed Division of the bill is subject to such conditions as the Minister thinks fit. A condition of a licence may be varied (including the addition, substitution or deletion of one or more conditions) by the Minister.

The holder of a licence granted under this proposed Division may apply in writing to the Minister for a variation of a condition; the Minister may grant or refuse to grant the variation.

Failure to comply with a condition of a licence is an offence, the maximum penalty for which is a fine of $200 000 in the case of a body corporate, or, in the case of a natural person, a fine of $100 000 or imprisonment for 2 years, or both.

DIVISION 6—RELATED MATTERS

Clause 20: Fencing of works and drainage reserves

This clause provides for the erection and maintenance of fencing of Project works and drainage reserves. The *Fencing Act 1975* does not apply to fencing related to the implementation of this bill.

Clause 21: Property in water

This clause provides that all rights in any water in any Project works are the exclusive property of the Crown, and that the Minister may grant rights over the water to a person.

PART 4

CONTRIBUTION TO FUNDING OF PROJECT

Clause 22: Contribution to funding of project

This clause allows the Minister to levy contributions to the funding of the Project from all persons who own or occupy more than 10 hectares of private land in the Project Area, and allows the Minister to establish a scheme for recovering contributions.

A contribution will not, however, be levied in respect of land which is subject to a management agreement under this bill to the extent that the agreement provides for a reduction or exemption from the levy, or where the Minister (by notice in the *Gazette*) provides for a reduction or exemption from the levy. An exemption by the Minister in the *Gazette* may operate in respect of a period commencing before publication of the notice.

PART 5
PROTECTION OF PROJECT
DIVISION 1—OFFENCE

Clause 23: Project Undertaking not to be interfered with

This clause provides that it is an offence for a person, without the permission of the Minister, to act in a manner that the person knows will interfere in a material way, or is likely to interfere in a material way, with—

- the Project works scheme; or
- any Project works, or the operation of any Project works; or
- any other aspect of the Project Undertaking.

The penalty for this offence is $200 000 in the case of a body corporate, and $100 000 or 2 years imprisonment or both in the case of a natural person.

A lesser penalty of $50 000 for a body corporate, or $25 000 for a natural person, applies in the case of where a person ought reasonably to have known, rather than actually knew, of the likely interference.

The clause also sets out the granting of the permission referred to in subclauses (1) and (2), and provides that the granting of a permission may be subject to conditions, contravention of which is an offence attracting a maximum penalty of $50 000.

DIVISION 2—ORDERS

Clause 24: Project orders

This clause provides for the making of project orders by the Minister. A project order is in the form of a written notice. A project order may be issued for the purpose(s) of:

- preventing, regulating or managing the flow of any water within the Project Area; or
- conserving, protecting, regulating, managing or improving any water resource within the Project Area; or
- protecting against an alteration to the height of any water table; or
- protecting or improving the quality of any soil on land within the Project Area; or
- protecting or enhancing any key environmental feature; or
- for the purpose of securing compliance with any management agreement, any condition of a licence, any condition of a permission of the Minister under proposed Division 1 or any other requirement imposed by or under this bill; or
- for the purpose of addressing any activity that, in the opinion of the Minister, is having an adverse effect on the Project works scheme, the operation of any Project works or any key environmental feature; or
- for the purpose of giving effect in any other way to the implementation of the Project or the furthering or enhancement of the Project Undertaking.

The clause sets out the requirements in relation to the making of an order.

In the case where an authorised officer is of the opinion that urgent action is required, a project order can be issued by the authorised officer. That order may be issued orally. However, an emergency order under this clause ceases to operate after 72 hours has elapsed, unless it is confirmed by a written project order issued by the Minister. An order may be varied or revoked by the Minister.

Failure to comply with an order is an offence with a maximum penalty of $200 000 in the case of a body corporate, and $100 000 in the case of a natural person.

A person cannot claim compensation from the Minister, an authorised officer or the Crown in respect of a requirement imposed by a project order.

Clause 25: Reparation orders

This clause provides that the Minister may require a person to take specified action to make good certain damage to any Project works or a key environmental feature arising from the person's unauthorised actions.

Similar conditions, and similar penalties for contravention, attach to a reparation order made under this clause as for a protection order made under clause 24, although there is no power for an authorised officer to issue an emergency reparation order.

A person cannot claim compensation from the Minister, an authorised officer or the Crown in respect of a requirement imposed by a reparation order.

Clause 26: Registration of order

This clause provides that the Registrar-General must note the existence of an order against the instrument of title to the land to which the order relates, or against the land if the land is not registered under the provisions of the *Real Property Act 1886*. An order is binding on each owner and occupier of the land, including subsequent owners or occupiers. This clause also provides for the entering of a notice of revocation by the Registrar-General in prescribed circumstances.

Clause 27: Action on non-compliance with order

This clause allows the Minister to take any action required by an order made under this proposed Division in the event of non-compliance. It is an offence for a person to hinder or obstruct a person taking such action, the maximum penalty for which is a fine of $100 000.

The costs and expenses incurred by the Minister under this clause may be recovered as a debt from the person in default. If an amount remains unpaid, that amount plus interest is a charge in favour of the Minister on any land owned by the person in relation to which the order is noted under this proposed Division. Such a charge has priority over any prior charge (whether or not registered) that operates in favour of an associate of the owner of the land, and over any other charge other than a charge registered prior to the noting of the project order in relation to the land.

A person cannot claim compensation from the Minister or the Crown (or a person acting under subclause (2)) in respect of any action taken under this clause.

DIVISION 3—CIVIL REMEDIES

Clause 28: Civil remedies

This clause provides that a range of civil remedies may be applied for and granted in the Environment, Resources and Development Court. These remedies include injunctive relief, orders for specific performance, orders for compensation and orders for exemplary damages.

PART 6
MISCELLANEOUS

Clause 29: Interim restraining orders to prevent environmental harm

The Minister will be able to apply to the Environment, Resources and Development Court for the issue of an order requiring a person to discontinue, or not commence, a specified activity. An order may be sought if the specified activity may cause harm to a key feature of the environment, but there is insufficient information available to enable the Minister to assess the likelihood of, or extent or impact of, harm to the key environmental feature . The issue of an order must be necessary to ensure protection of the key environmental feature pending the acquisition and assessment of information by the Minister. An order made under this clause ceases to have effect 28 days after it is served on the person (unless extended), and may be varied or revoked. An order will be used to enable the Minister to assess the harm before making, or not making, a project order.

Failure to comply with the terms of the order is an offence, and has a maximum penalty of a fine of $50 000.

A person cannot claim compensation from the Minister or the Crown in respect of the issuing of an order under this clause.

Clause 30: Appeals

The bill provides for an appeals mechanism (in the Environment, Resources and Development Court) in relation to licences. However, no other appeals will be available with respect to the operation of this bill.

Clause 31: Provision of information

This clause provides that the Minister may issue notices requiring the provision of information reasonably required by the Minister for the administration, implementation, operation or enforcement of this bill. The clause sets out the procedures to be followed in issuing such a notice. Failure to comply with a notice issued under this clause is an offence, and carries a maximum penalty of $10 000.

Clause 32: False or misleading information

It is an offence for a person to make a false or misleading statement in relation to information provided under this bill. The maximum penalty is $10 000.

Clause 33: Service

This clause sets out requirements relating to the service of notices, orders and other documents under this bill.

Clause 34: Use of staff

This clause allows the Minister to utilise staff from any administrative unit or public authority.

Clause 35: Annual report

This clause requires the Minister to prepare an annual report for the previous financial year, and to cause a copy of the report to be laid before both Houses of Parliament.

Clause 36: Continuing offences

This clause provides that if a person is convicted of an offence that relates to a continuing act or omission, the person may be liable to an additional penalty for each day that the act or omission continued

(but not so as to exceed one tenth of the maximum penalty for the offence).

Clause 37: Liability of directors

If a corporation commits an offence against this measure, each director of the corporation may also be prosecuted for the offence, and if guilty, may be liable for the same penalty as fixed for the principal offence. This may occur whether or not the corporation has been prosecuted or convicted of the offence.

Clause 38: Evidentiary provision

To assist in proceedings for an offence against this bill, this clause provides that certain matters, if certified by the Minister, alleged in the complaint, or stated in evidence, will be proof of the matter certified, alleged or stated, in the absence of proof to the contrary.

Clause 39: Power to waive or defer payments

This clause provides that the Minister may, with or without conditions, waive or defer a payment of an amount due to the Minister under this bill.

Clause 40: Immunity provision

This clause provides that no liability will attach to the Governor or the Minister (or a person or body acting under the authority of the Minister) for an act or omission undertaken or made by those persons with a view to implementing the Project or furthering or enhancing the Project Undertaking.

Clause 41: Right of action against person in default

A person who suffers loss (including where the loss represents harm or damage to a key environmental feature on that person's land) on account of a contravention of this bill, or any order issued under this bill, will have a civil right to claim compensation for loss. However, this does not limit or derogate from the operation of clause 40 of this bill, nor does it create a right of recovery against the Minister or the Crown (or any person acting with the authority of the Minister or the Crown).

Clause 42: Regulations

The Governor will be empowered to make regulations for the purposes of the measure.

Clause 43: Review of Act

This clause provides that this bill will be reviewed four years after the day it comes into operation.

SCHEDULE 1

Project Works Corridors

This Schedule describes the project works corridors.

SCHEDULE 2

Amendment of the South Eastern Water Conservation and Drainage Act 1992 and Transitional Provisions

Clause 1: Amendment of South Eastern Water Conservation and Drainage Act 1992

This clause makes amendments consequent on the enactment of this bill.

Clause 2: Transitional provisions

This clause provides for transitional provisions consequent on the passing of this bill, and provides that the Governor may, by regulation, make any other provision of a saving or transitional nature consequent on the enactment of this bill.

The Hon. R.D. LAWSON secured the adjournment of the debate.

PUBLIC FINANCE AND AUDIT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 1265.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank all members for their contribution to this bill, the primary objective of which is to establish a new fiscal responsibility framework through the introduction of a charter of budget honesty and a pre-election budget update report. The framework will improve the transparency of the government's fiscal management, thereby improving the government's accountability to the public and to parliament. Legislating for fiscal responsibility is proof of this government's resolve to act in a fiscally responsible manner. Legislation alone will not achieve fiscal responsibility but, in conjunction with the ministerial code of conduct, which became effective on 1 July 2002, and our proposed code of conduct for members of parliament and other aspects of the 10-point plan for honesty and accountability in government, it indicates and complements our commitment to fiscal responsibility.

This bill will raise the profile and transparency of fiscal actions in the public arena. It will codify and consolidate fiscal reporting and monitoring arrangements. It commits this and future governments to articulate their fiscal policies and to meet the specified reporting requirements. The bill will put South Australia into step with a majority of other jurisdictions: only Tasmania and the Australian Capital Territory will remain without a statutory fiscal responsibility framework. The Leader of the Opposition has quoted the National Commission of Audit Review of 1996, saying that legislation is the exception rather than the rule. The review was referring to the international position: in Australia, legislation is the rule.

In addition, New Zealand has a Fiscal Responsibility Act 1994. While the commission said that legislation is not in itself sufficient to lead to fiscally responsible behaviour, the Leader of the Opposition omitted to say that the commission recommended such legislation—legislation to require governments to state clearly their fiscal strategy, to report on progress in achieving their stated fiscal strategy and to set fiscal reporting standards. The argument is that if the requirement is in legislation it cannot be ignored by governments. Currently, apart from the Appropriation Bill, the budget has to contain only the financial statements, as required under the uniform presentation framework agreement between the states, territories and the commonwealth. This is designed to ensure that financial information about the public sector is presented in a way that allows comparison. The uniform presentation framework also requires the mid-year budget update, specifying that it contain updates of the financial statements and be produced by the end of February. The bill mandates requirements consistent with National Commission of Audit recommendations.

The bill provides that the Treasurer must prepare a charter within three months after the act is proclaimed and that a new charter must be prepared within three months of each election. The Treasurer may amend or replace a charter. A charter or amended or replaced charter becomes effective when it has been laid before both houses of parliament, and the Treasurer must lay it before parliament within six days of preparing it. The bill states the purpose of a charter, the principles upon which it must be based and what it must contain.

The bill enables the Treasurer to issue Treasurer's instruction specifying procedures to be followed to comply with the charter. The penalty for contravening or failing to comply with an instruction is increased from $1 000 to $10 000. The bill introduces a new report, the Under Treasurer's pre-election budget update report, and specifies its contents, which are similar to the contents of the mid-year budget review. The pre-election update report must be prepared within 14 days of the calling of an election. Agencies must provide the information that the Under Treasurer requires for the report within seven days of the calling of the election. The report must be prepared based on the best professional judgment of the Under Treasurer without political interference or direction and according to the financial standards that apply to the budget.

I hope that my comments so far and those which follow will clarify some of the questions raised by members of the opposition, both here and in another place. The legislative framework proposed in the bill does not try to recreate the wheel. It will incorporate and reinforce many existing financial management and reporting practices. What is new is that the current practice is made explicit and given legislative backing. The public will know in advance what the government is committed to and will receive information on how it is performing. For example, the charter of budget honesty must include the government's financial objectives and the principles on which it will base its decisions with respect to the receipt and expenditure of public money.

This is a fiscal policy statement like the one usually contained in the Treasurer's budget speech and the budget statement tabled in parliament. The budget will be framed around the financial objectives and the principles in the charter, and therefore the budget will be consistent with the charter. The charter must also include the arrangements that will be in place to provide regular reports to the community about the progress and the outcomes which have been achieved in relation to government's financial objectives. This will commit the government to a series of reports most of which are already produced—for example, the budget papers, the mid-year budget review, the budget outcomes report—but also the pre-election budget update report. The charter will state specifically for the first time what each report will contain and the timing of its release. Currently, the only requirements governing what these documents must contain are established under the uniform presentation framework. Adherence to this agreement will continue.

Because the state elections will fall in late March every four years, the mid-year review and the pre-election budget update will be released in close proximity in those years. It could be up to three months if the mid-year review came out in December and the pre-election update came out in March. It could also be less than a month. The mid-year review is a review of the estimates in the budget papers based on decisions made since the budget and figures provided by the agencies, noting any changes in economic assumptions and circumstances.

I want to clarify a suggestion made during the debate on the Appropriation Bill on 20 August that the mid-year review is the Under Treasurer's document and it is merely a reflection of the Under Treasurer's assessment of the situation. This is incorrect. It is the Treasurer's document. Of course, the information is assembled by the Department of Treasury and Finance and the Under Treasurer provides advice to the Treasurer on the changes since the budget. On the other hand, the pre-election budget update proposed in the bill is the Under Treasurer's document, prepared on the basis of his professional judgment and that of the officers in the Department of Treasury and Finance without political interference or direction.

The bill stipulates that the information in the report should take into account all government decisions and announcements and all other circumstances that may have a material effect on fiscal outlooks that are made or come into existence following the calling of a general election. In addition, it should be prepared according to the financial standards that apply to a state budget. If there is no change in particular information compared to the mid-year budget review, the update can summarise it and refer to the mid-year review. This will avoid unnecessary duplication.

The update should contain no surprises for the government. Both the Treasurer and the Under Treasurer would be aware of the logic and assumptions utilised in preparing the previous budget documents and other financial reports and of any changed circumstances that may affect the fiscal outlook. Any differences that might occur would be based on changed financial circumstances or judgments, for example, unavoidable cost pressures.

To reiterate, the Under Treasurer is obliged to use his best professional judgment in preparing the update. If there is a difference of judgment reflected between the two reports, ultimately it is in the public's interest to know about it. The Under Treasurer will prepare every pre-election budget update on the basis of his best professional judgment. The report has to contain his certification that this is the case. This will occur whatever party is in government at the time.

There has been discussion of financial black holes and cost pressures in relation to the difference between the underlying surplus in the mid-year budget review produced by the then treasurer in January 2002 shortly before the election was called and the 2002 budget update produced immediately after the election by the current Treasurer. I do not wish to go into a detailed response to the former treasurer's arguments about what he did and how he justified his presentation of the state's finances in the lead-up to the election.

The difference between the two documents results from updated financial information received in the interim two months and the different approaches of the two treasurers to the budget updates. The mid-year budget update showed that the expenditures, other than for interest, updated the cabinet decisions made since the budget, that is, it did not reflect any expected changes to expenditure other than those explicitly approved by cabinet. In the 2002 budget update, additional amounts were added in respect of the number of known risks to the budget. Whatever your view about what happened, the fact is that neither of these documents was a pre-election budget update report prepared by the Under Treasurer.

This bill discusses a new type of report and, if it means that future treasurers will have to consider more carefully the Under Treasurer's professional advice about the fiscal position of the state in presenting their mid-year budget update before an election, then that is a good thing for honesty and accountability in government. The opposition here, and in another place, has suggested several amendments to the bill in relation to the pre-election update report.

I am not sure why the opposition is so worried about the Under Treasurer being able to prepare a professional report without political interference. However, the Hon. Angus Redford has suggested that proposed section 41B(3) be amended to provide that the pre-election update report must include 'any other information or explanation that is required by the Economic and Finance Committee'. In his view, this would allow scope for the Under Treasurer to 'report on other financial matters that may arise from time to time in the course of the electoral process', for example, a report on the Hindmarsh Soccer Stadium or the National Wine Centre. The bill already requires the Under Treasurer to take into account circumstances that may have a material effect on the fiscal outlook that existed before an election is called.

Unexpected cost pressures can be reflected in the update, with comments on why they were included. This will cover the example given. It is not the Under Treasurer's role or the function of a pre-election budget update to report in detail on specific indications. The Auditor-General may be more

appropriate here. The amendment is unnecessary. It would also be inconsistent with the bill's requirement that the Under Treasurer must prepare the report without political direction or interference, including that of a committee of parliament.

Another series of amendments was mooted in another place. The first was an amendment to clause 6 to remove the phrase 'in so far as is reasonable in the circumstances' in clause 41B(4). Currently the bill provides:

> The information in the report is to take into account, in so far as is reasonable in the circumstances, all government decisions and announcements, and all other circumstances that may have a material effect on fiscal outlooks and were made or were in existence before the issue of the writs for the general election.

The proposed change would read:

> The information in the report is to take into account all government decisions and announcements, and in so far as is reasonable in the circumstances, all other circumstances that may have a material effect on fiscal outlooks [etc.]

The argument is that the financial implications of decisions and announcements should be known and should already have been taken into account. Without this, there could be an out for the government to hide things. The opposition appears to forget that it is the Under Treasurer, not the Treasurer, who is preparing the pre-election report. The phrase has been put where it is to allow the Under Treasurer to exclude information that is commercial in confidence or the disclosure of which may prejudice the state's interest. It also allows for the fact that the Under Treasurer has only 14 days to prepare his report and there may not be time to take into account the full financial impact of some decisions or announcements.

The second proposal was to prohibit the Treasurer from issuing an instruction to the Under Treasurer that he must not advise the Treasurer of any cost pressures in the three to six months before an election. Such an instruction would shield the government from any knowledge of cost pressures and any obligation to disclose them prior to the election. Again, this suggestion appears to miss the point that the pre-election report is prepared by the Under Treasurer, and the Treasurer's willingness or otherwise to face the facts about the financial position of the state is irrelevant.

The final proposal is an amendment that would prevent the Under Treasurer briefing the Treasurer about the pre-election update report. It is suggested that such a briefing would give the government an advantage over the opposition. This amendment seems to assume that the Treasurer has no knowledge of the state's financial position immediately prior to an election being called or that this position would substantially change in the 14 days in which the Under Treasurer has to prepare the report. Briefings on the report or changes in the state's financial circumstances are highly unlikely to give the Treasurer any information of which he would be unaware. The caretaker conventions which apply to a government during an election period ensure that there is no unfair advantage by providing for the shadow Treasurer to be briefed. None of these suggested amendments would improve the bill, and I hope they will not be moved during the committee stage.

Some other specific questions were raised. I turn now to the questions which have arisen during the debate and which I have not so far dealt with. In relation to the proposed new sections 4A and 4E, the Hon. Angus Redford asked about the meaning of 'from time to time' in relation to the Treasurer's preparing a charter of budget honesty and under what circumstances it would be amended or replaced. The use of 'from time to time' in section 4A allows for the variation or replacement of a charter as provided in section 4E. Apart from producing a new charter after an election, a charter would be amended or replaced rarely if exceptional circumstances required a change in the financial objectives and principles of the government. The amendment would have to be laid before both houses of parliament before taking effect. This would allow questions to be asked through the usual parliamentary process if the changes did not appear appropriate.

The honourable member also asked what the government means by 'the principle'. Both short and long-term objectives must be taken into account in other to ensure equity between present and future generations in the proposed new section 4C(d). It means that a budget that only considers a very short time frame cannot be produced, considering intergenerational equity would apply to decisions about infrastructure and whether the expenditure of money would now produce some benefit to future generations. It applies also to the decision to fully fund accruing superannuation liabilities as they arise. If this were not done, future generations would bear the cost of a benefit they would not receive.

The Hon. Angus Redford connects this principle with public-private partnerships. Public-private partnerships involve government and private sector working together to deliver infrastructure or services traditionally provided by government. This form of arrangement is not suitable for all projects and is only one of a range of options, including government provision. Consideration of intergenerational equity would be relevant to a decision to become involved in a public-private partnership arrangement, in the same way as it would in a decision for government to continue to provide the service and maintain the infrastructure to do so.

The honourable member also wants to know whether the regular reports to the community on the government's progress in achieving the government's financial objectives will involve an advertising campaign of a political nature and what has been budgeted for regular reporting. Apart from the pre-election budget update report, all the reports required by the charter are produced already. Reporting costs will be met from existing Department of Treasury and Finance resources. He makes a comment that there are ways in which issues can be hidden in the financial figures; for example, there is no reference in the budget papers to the Social Inclusion Unit. In fact, this unit, which is a division of the Department of the Premier and Cabinet, is referred to in the budget papers under the department's reporting of Output Class-Coordination and Advice page 1.6 and Portfolio Initiatives page 3.4. The budget does not break departmental expenditure down to the level of this unit in all cases, although the information may be provided in a department's annual report. Information on the expenditure of the Social Inclusion Unit could be obtained by asking the question in parliament.

The Hon. Terry Cameron asked whether there would be an opportunity to debate the charter when it is laid before parliament. Documents laid before parliament are not debated at the time they are tabled. Members of parliament would be free to ask questions about the charter in parliament and to bring any concerns to the public notice. He also asked whether it would be feasible for there to be legislated methods of assessment of the objectives. The charter is required to have a statement on how the financial objectives will be translated into measures against which targets can be set and outcomes assessed. Prescribing specific methods of assessment through legislation is difficult. Placing this level

of detail into the legislation restricts flexibility in reporting and the ability to respond to changed circumstances.

An outline of the way the objectives will be met would appear in the charter, and the budget would provide details of progress against the targets. For example, one of the current fiscal objectives is to fully fund accruing superannuation liabilities and progressively fund past service liabilities. The charter would specify the timetable for achieving payment of the past liabilities and where the monitoring information will be produced, that is, in the budget, the mid-year budget review and the budget outcomes report. Information in these regular reports will clearly show the government's progress against objectives.

The Leader of the Opposition asked what provisions in the bill would lead to the Treasurer or the Premier being fined. The bill provides for an increase in the penalty for contravening or failing to comply with a Treasurer's instruction from $1 000 to $10 000. It also enables the Treasurer to issue instructions to require procedures to be followed to ensure compliance with the charter. Instructions apply to public authorities, and the chief executive of the public authority is responsible for ensuring compliance.

The Leader of the Opposition referred to statements made by the Premier in radio interviews on 7 May 2002, the date on which he announced the whole package of honesty and accountability legislation currently before the council, of which this bill is one part. The Leader of the Opposition has quoted selectively from a number of interviews.

The legislation, together with other measures in the government's 10-point plan for honesty and accountability in government, such as the ministerial code of conduct, will require more information to be provided to the public about the state's financial situation. It will give the Ombudsman and the Auditor-General greater powers to investigate improper activities. It will require decision-makers to declare conflicts of interest. There are increased penalties in the legislation for public officers, public servants and contractors performing work for the government. Ministers can be asked to resign for breaches of the code of conduct. This will mean greater levels of transparency and more accountability by the government to parliament and the public. Individuals who are dishonest or behave improperly will be liable to prosecution or disciplinary action. Of course, if the government as a whole is found wanting by the public, it will pay the price at election time.

The Hon. R.I. Lucas: That's not what the Premier says. He says ministers can be fined.

The Hon. P. HOLLOWAY: Ministers are public officers, on my understanding of the definition. I am sure that there will be plenty of questions when we come to the committee stage of this bill next week, and if honourable members wish to take up any of those issues we can do so then. I conclude by thanking all members who have contributed to the debate for their indications of support.

Bill read a second time.

OMBUDSMAN (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 1248.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank honourable members for their support for the bill. The Hon. Mr Cameron has sought information about the agencies that have attempted to use the term 'ombudsman' in their internal complaints mechanism. I can advise the honourable member that, while there are not a large number of examples in this state, there are examples interstate where universities have appointed a person to a position of university ombudsman to deal with student grievances and complaints. In South Australia earlier this year the University of South Australia appointed a person to a similar position. The university has adopted the title of Student Ombud for the position. The modified and shortened title was adopted following discussions with the Ombudsman.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, it certainly is gender neutral. Previously, there have also been examples in the health and corrections area where the Ombudsman has negotiated with agencies to stop the term 'ombudsman' being used. While not wanting to oppose the positive outcome of an internal complaints mechanism, the provision in the bill is intended to minimise any confusion for complainants about the respective roles and jurisdictions of complaint handling bodies.

The Hon. Mr Elliott and the Hon. Mr Evans have asked whether there will be any changes to the resources of the Ombudsman's office as a result of the amendments. At this stage, no specific provision has been made for additional resources. To some extent, the amendments clarify and support work already being undertaken by the Ombudsman. Therefore, it is not clear that there will be a significant increase in the work of the office. There are also other initiatives that may impact on the work of the Ombudsman's office such as the creation of the health and community services ombudsman. As with any agency, the work of the office will be monitored and consideration given to the level of resources in the budget process.

The Hon. Mr Redford has expressed concern that the government has not referred in the debate to the Legislative Review Committee report on the Ombudsman (Privatised or Corporatised Community Services Providers) Amendment Bill. As the committee acknowledged, events have overtaken many of the issues that the earlier bill sought to address. However, the committee did recommend that parliament continue to monitor initiatives and, where appropriate, seek further legislation. In this regard, I advise that the government is committed to the establishment of an essential services ombudsman to offer consumers a direct complaint resolution service for dealing with electricity, gas and water companies. Legislation will be brought forward on this matter in due course. The government has also introduced legislation for the establishment of the health and community services ombudsman.

The Hon. Mr Redford also queried the decision to give responsibility for consideration of matters relating to the general operation of the Ombudsman's Act to the Statutory Officers Committee. The Ombudsman is a statutory officer who has a special relationship with the parliament. Current membership of the Statutory Officers Committee includes the Attorney-General, the shadow attorney-general, the parliamentary Leader of the Democrats and the Leader of the Government in the Legislative Council.

The government considers that the Statutory Officers Committee is the appropriate body to consider matters relating to the general operation of the Ombudsman Act. The Hon. Mr Lawson has asked about resources for the Statutory Officers Committee. The functions of the committee will be

extended to consider matters relating to the general operation of the act. The committee will also be required to provide an annual report to parliament on the work of the committee. While the extended function will be important, I would not see it as being a highly labour-intensive role requiring, for example, a full-time research officer, etc. It will be a matter for negotiation with the Presiding Officers to determine the resources for the committee.

The Hon. Mr Lawson has also indicated that he will be moving amendments in committee to the definition of 'agency to which this act applies'. I indicate that the government will be opposing the amendments. The formula adopted in the government's bill is based on amendments to the Freedom of Information Act enacted by the previous government in 2001. Given that both acts cover similar types of agencies and that both acts are relevant to the Ombudsman's jurisdiction, the aim of the government's amendments is to try to achieve a greater consistency in the definitions.

It is acknowledged that the provision in the bill to declare a body as an agency to which the act applies is wider than the corresponding provision in the current act in that it is not limited to bodies created under an act. However, it should be noted that the bill requires the declaration to be made by regulation rather than by proclamation. The government is concerned that the amendment foreshadowed by the Hon. Mr Lawson to limit the power to declare a body as an agency under the act may be too restrictive. It will also send the wrong message as to the general approach being proposed by the government in relation to outsourced operations.

The Hon. Mr Lawson has indicated that the opposition accepts that the notion of 'agency' is to be extended from government departments, etc., to private organisations, companies and partnerships that perform functions for the government. However, that is not the approach being proposed. The bill is intended to bring the outsourced functions performed by private organisations as opposed to the organisations themselves within the Ombudsman's jurisdiction. It does this by expanding the definition of 'administrative act' to include an act done in the performance of functions conferred under a contract for services with the Crown or an agency to which the act applies.

I believe that those comments should adequately address the matters that have been raised by members during the debate. I thank members for their contribution and I look forward to a further discussion of this bill next week.

Bill read a second time.

STATUTES AMENDMENT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) BILL

Adjourned debate on second reading.

(Continued from 13 November. Page 1295.)

The Hon. DIANA LAIDLAW: I must record that I am pleased that, at long last, this bill is finally being debated in this place. Throughout the last election and ever since, the Premier and many members of the government have been talking about this legislation as the panacea for delivering honesty, accountability and openness in government—

An honourable member: Rabbiting on.

The Hon. DIANA LAIDLAW: —and rabbiting on; that is possibly true. Certainly, one would think that government members had invented the words 'honesty, accountability and openness in government' if one heard them speak about how much they believe in these concepts and how important this bill is in delivering these concepts. I recall that this was the first bill the government introduced in the House of Assembly that it had drafted. Earlier legislation introduced by the government was re-presented Liberal bills prepared by the former government. This government bill to address honesty and accountability across the public sector—statutory authorities, advisory boards, public corporations and all who work in any capacity with any of these sectors—was so appallingly drafted that, in the other place, 13 pages of amendments were required to be tabled by the government for consideration before one word was even spoken on the debate in the other place. Now in this place the government has tabled more amendments, and I am keen for the Liberal Party to table more amendments again. I should indicate in the meantime that, notwithstanding the range of amendments, I have grave misgivings that this bill can ever be drawn up to my satisfaction in a manner that would overcome my misgivings with its current form.

In terms of all the members who have already contributed to this debate, I make special mention of the Hon. Robert Lawson, who as shadow attorney-general outlined with great clarity and in a comprehensive manner the deficiencies with this legislation, the ambit claims, the legal difficulties in interpretation and application and the profound difficulties in managing this legislation, and I commend him for his contribution and research effort. In contrast, the contributions from Labor members opposite have reeked of rhetoric, with little substance. I suspect that is because they have been seduced by the spin of honesty and accountability that I mentioned at the outset and have not read the bill or considered its application within the public sector at large or its extended application to private contractors and their employees.

I also acknowledge the contribution of the Hon. Angus Redford, who brought a lot of important insights to this bill in his contribution, and I also acknowledge the Hon. Andrew Evans' short but succinct and thoughtful contribution. I think he was spot on when he said, 'The law will have no teeth if there is no way of monitoring that the duties are being complied with.' I agree wholeheartedly. Again, I relate back to the spin, the rhetoric, the way in which the government has been seduced by the concepts of honesty and accountability but has not applied its mind to what is in the bill as to the requirements across the public sector in its broadest definition and the private sector through contractors and their employees.

The Hon. Mr Evans wisely indicated that he wants answers to a number of the questions that he posed, saying 'before I can totally support this bill'. I acknowledge that he has an open mind on this bill and, hopefully, he will be keen to speak to the Hon. Robert Lawson about amendments that the Liberal Party seeks to move and, whether or not those amendments get up, I hope that he keeps an open mind about whether this bill, in whatever form, should be supported at all. I remain inclined to vote against this bill.

I know this is not the view of my colleagues, but it would not be honest or accountable of me not to indicate my inclination at this stage. Certainly, the fate of the Liberal amendments will help me make up my mind in the long term, but all the amendments we have seen today reinforce my initial view (which I continue to hold) that the government has given little thought to the proposals that it has introduced in this bill.

Far too little thought has been given to the application of the measures in the wider community and, I think, no thought

has been given to the administration of the measures across all sectors of government. The application of this bill is not only to the hierarchy of the public sector (as the community would generally know it) but to schools, hospitals, emergency services, arts and water—all of those instrumentalities which engage contractors in various forms, for various purposes, for various lengths of time and for various dollar values.

It will be a very interesting exercise to see how the government proposes to oversee the application of this bill with integrity and to realise the purposes that they have outlined. I think it is mission impossible. I do not like being involved in legislation which I think is mission impossible. When I have grave misgivings and do not see a genuine attempt being made by the government to address the implications of the letter of the law as the government has outlined in this bill, I repeat that I have grave misgivings about this measure.

Overall, I wonder whether the government and government members, in considering this bill, have experienced what the federal coalition experienced in terms of the GST and its implementation. That measure was part of coalition policy that Mr Howard and the National Party took to an election which they won, and therefore had a mandate to introduce it.

Tax reform was as attractive to the electorate as the statements 'honesty, openness and accountability of government'. The words 'tax reform' and 'open and honest government' sound good. To then turn them into policy and a short policy statement may also turn out to be sound, and that could be broadly supported. But when they are put into words within an act that has legislative requirements, practical implications, penalties and the like, often such well-meaning, fair-sounding policies and practices get out of control. I think that is what has happened to the legislation that is before us here today: it is out of control.

I indicate that because of my deep reservations about many measures in this bill, and the sentiments expressed by others in this debate, I am inclined to believe that some form of review is required if this legislation passes. Whether that be a review after three or four years by the Economic and Finance Committee, by the Statutory Authorities Review Committee or by the government itself, a report must certainly be provided to the parliament for further debate and to enable it to assess the application of any measure in any form that may pass through the parliament.

I want to highlight a couple of issues that I find absolutely disagreeable. The first is the government's move, found in clause 4, Definitions, to extend the definition of public officer to include:

> . . . natural persons who work for the Crown, a State instrumentality or a local government body as contractors or as employees of contractors or otherwise directly or indirectly on behalf of a contractor.

I suspect that half the private sector work force in this state, if not more, could be embraced by that broad definition of public officer; that in itself is ridiculous. I also consider that it is absolutely wrong and illogical to term people who are not engaged in the public sector as part-time or full-time officers, 'public officer'. If they do work from the private sector to the public sector, it would be on contractual terms, and they should be regarded as contractors for that work. They are not officers. Either we should remove completely this new broader definition, or some contractors could be included in some form within the ambit of this bill, but they should not be defined as 'public officer' for the purpose of this bill.

I also indicate that I recall a debate on the workers compensation act back in the early 1990s, when Labor was last in government. That act sought to deem subcontractors as employees of the public sector. Private sector transport operators, from couriers to owner-drivers, were outraged at this suggestion. Honourable members may remember the blockade that was—

The Hon. T.G. Roberts: John Laws does.

The Hon. DIANA LAIDLAW: No, I was thinking of the blockade in North Terrace, when the subcontractors rebelled and demonstrated their views publicly and loudly against the government's move to deem subcontractors as employees for the purposes of workers compensation and other measures. The reference in the definitions of this bill that includes contractors, employees, subcontractors and the like as public officers is another way of muddling the different nature of the work undertaken in our community, where people have made different choices about the way in which they work.

My misgivings, which I have held since this bill was first introduced in the other place, have been reinforced in the last 24 hours, since I started reading the Stevens report. I thank the Minister for Industrial Relations for putting the report on the web, because I was able to scan it last night. I speak with some feeling about the nature of work and the way in which the government is unintentionally (or, I suspect, deliberately; either way it is wrong) confusing that for its own union or political purposes. I am concerned, too, about the precedent—especially so in light of the Stevens report.

I also want to make reference to the remarks of the Hon. Robert Lawson and the Hon. Angus Redford about the offence of abuse of public office in terms of the broader definition of 'public officer' proposed by the government. The offence of abuse of public office is defined as 'a person who acts improperly if the person knowingly or recklessly acts contrary to the standards of propriety generally and reasonably expected of ordinary business members of the community to be observed by public officers'.

In raising concern about this matter, I think it is not reasonable in our multicultural society today where we celebrate diversity to think that there is such a creature as an ordinary decent member of the community and that there is one standard of propriety that would be generally and reasonably expected of this breed of person. I remember when I worked with the Hon. Murray Hill (a member of this place and a minister assisting in ethnic affairs between 1979 and 1982) that the government at that time—with a lot of goodwill and believing that it was doing the right thing—amended the Community Welfare Act to ensure that community welfare officers had regard to ethnic diversity in dealing with their clients.

This was such an innocent and reasonable requirement, but all hell broke loose from the women's shelter movement, civil libertarians and others in the community because what is seen as acceptable in some communities in South Australia (and Australia) in terms of behaviour towards women (some forms of physical violence and abuse of women, some language issues, harassment, a whole range of things) would certainly not be acceptable in others.

One must accept that one of the strengths of Australia today is our diversity and tolerance, but never should it be assumed that this definition of 'abuse of public office' assumes that there is a standard of propriety that is generally and reasonably expected of ordinary decent members of the community. There is a variety of standards today accepted by many, and we have to accept that as part of our multi-

culturally diverse community, which I generally celebrate, but it does come with the compromise of some values and beliefs.

I want to mention two more things. The government has introduced in this bill a provision in terms of the honesty and accountability of advisory committees. It is my understanding that the Economic Development Board, chaired by Mr Robert de Crespigny, who I know wants to call himself Champion de Crespigny—and we have just witnessed reference to 13 champions on the other side today; we seem to have champions all over South Australia at the moment—

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Fourteen. Yes, but we also have one unelected champion, and that is Mr Robert Champion de Crespigny. I make the point that he is unelected. He has been designated by the Premier to be the spokesperson for the Economic Development Board. He has been involved in an enormous range of tasks and responsibilities with private sector companies, negotiating deals and speaking with them—although I know not with what authority—yet we do not know what his pecuniary interests are or what the board's pecuniary interests are when they are setting agendas for economic development priority in this state.

It is particularly important—and we have to work through this issue in this place—which advisory boards require disclosure of pecuniary interest. Members of Parliament of all parties must do so. I know that on the backbench, whether in government or opposition, I would have nowhere near the access to the information or the money that the unelected Mr de Crespigny has, or members of his committee, and yet we would be seen to be able to exercise influence, and for that reason we publicly register our pecuniary interest. Equally, the CEO who works with this economic development committee, Mr Roger Sexton, must furnish—but not publicly—his pecuniary interest, his conflicts of interest, a whole range of things, yet the chair and the board do not. We in this place must explore this matter further, because it seems to me that there are issues that require attention here.

I also want to broadly canvass the notion of journalists declaring interests and conflicts, and their pecuniary interests. It is not addressed by this legislation but it is a matter that the parliamentary committee should address at some time. It certainly was the subject of a motion that was carried in the House of Assembly on 26 April 1993 when the Hon. Jennifer Cashmore moved a motion that one of the standing committees of this parliament, the Legislative Review Committee I think, look at this issue of the interests of journalists who report on parliamentary procedures or debate and provide opinion through their programs on radio or through their reporting in newspapers or on television.

I would be very interested to know, for instance, how many journalists and others—for example the Editor of the *Advertiser*—have come out so strongly in favour of unconditional shopping hours and opening of shops in this state have Coles Myer or Westfield shares and how they believe they could profit from that. We need to know about this, too, after the experience of John Laws, Alan Jones and, to a lesser extent Jeremy Cordeaux some years ago, journalists and commentators who were paid by companies such as Telstra or the banks to push a line of comment and not declaring to the general public that their comment could well have been influenced by the money they were receiving from the banks or from Telstra and the like. It is important that members of parliament insist that there is this openness and honesty across government, and across the board where others comment on matters before the parliament or lobby and advocate for any change of legislation for any purpose.

In concluding, I want simply to refer to my comments in my Address in Reply this year on 14 May:

> I strongly believe that no piece of legislation can replace the values that one brings to this place. If you do not believe in right and wrong and if you do not know it, a piece of legislation will make no difference. You do not come to this place without the utmost regard and humility that you act as a representative. You are not here for power for your own person—you are here as a proud representative. I think it is a humbling role to represent the interests of the wider community. If that is not respected, I do not believe that one has a hope in hell of acting with the integrity that I would expect of a person who held high public office and who, in holding that office, should present a picture to the wider world of esteem for that office. You do not hold it in your own right—you hold it for the future. You hold it in the public interest and you hold it as a representative of others.

I went on to say:

> I find this obsession by this government that a piece of legislation will bring honesty and integrity casts reflection on others that we may not have acted with honesty and integrity in the past and I find that highly offensive.

I have more comments that I would like to make on this legislation in terms of its application and its penalty system, but I will leave them for the committee stage of the bill.

The Hon. R.K. SNEATH secured the adjournment of the debate.

LEGISLATION REVISION AND PUBLICATION BILL

Adjourned debate on second reading.

(Continued from 22 October. Page 1147.)

The Hon. IAN GILFILLAN: I indicate Democrat support for the second reading of the bill. The bill is aimed at supporting the ongoing consolidation of our state legislation. It also lays the ground work for the electronic storage of state legislation. This is a natural step. Members may remember that a couple of years ago we passed the Electronic Transactions Act 2000. This gave businesses and organisations in South Australia the option of electronically storing records that they are required to keep under law. We in parliament benefit from having ready access to consolidated legislation in both electronic and printed form. While I prefer to work from a statute printed on paper, my staff find it easier to work from an online version. I am looking forward to breaking into their ease of working on line, but it is taking me a while to do so. I suspect that the public too would generally find the online version preferable, if simply for the immediate accessibility of the documents.

I will speak briefly about this. The challenge of reading our state statutes can be difficult and at times a challenge to the best legal minds, with the degree to which our laws are interwoven, forcing punters to refer to one act or another in order to gain a proper understanding. This is compounded by the growing trend of cross referencing state and commonwealth acts. We saw this most recently with the Classification (Publications, Films and Computer Games) (On-Line Services) Amendment Bill 2002. The task of finding definitions adopted by that legislation leads one on a wild goose chase in statute land.

The Hon. T.G. Roberts: A wild goose chase?

The Hon. IAN GILFILLAN: Yes, although we did get the goose eventually. However, numerous government web

sites give clear guidelines to the law in their particular areas. In this day and age it would be a relatively simple task to provide links from our state statutes to other government sites that could help South Australians interpret how the law relates to them. I cite as an example the SAPOL firearms website, which details the storage requirements for firearms in South Australia—a very good initiative. I take this opportunity to suggest that the government consider this in updating its web sites and the advantage that such an initiative would be to South Australians. I indicate again our support for the passage of this bill through all stages.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): This measure brings together the consolidation programs for acts and regulations. It ensures that the same revision powers apply and that both programs are carried out under the supervision of the Commissioner. This measures extends the power to tidy up acts and regulations in the course of the consolidation program by:

- enabling arrangement provisions and spent provisions such as amending or repealing provisions to be omitted, with the omission noted in a legislative history;
- enabling obsolete headings to be omitted;
- making clear that errors in cross-referencing, alphabetical ordering or punctuation can be corrected, as well as other minor errors that can currently be corrected; and
- ensuring that formatting and style changes may be undertaken to achieve consistency with current practice or uniformity of style.

These are minor differences to the current powers but necessary for the purposes of the project to convert the state's legislative data from WordPerfect 5.1 to XML. It should be noted that the section does not permit alterations to legislation that would change the effect of the legislation. The measure requires a legislative history to be prepared for each consolidated act to provide relevant supporting information. This is current practice but is not currently required legislatively. The measure enables regulations to establish a scheme under which electronic copies of legislation will be authorised for evidentiary legal purposes.

The regulations will need to prescribe an authorised web site and will impose conditions relating to downloading and printing of authorised versions. This will not happen for some time. The program to convert legislative data from WordPerfect 5.1 to XML, including the capture of graphics not currently captured, is not expected to be completed until the end of next year. The title of the Commissioner is altered from Commissioner of Statute Revision to Commissioner for Legislation Revision and Publication, in order to properly reflect the expanded role in publication of legislation in electronic as well as printed form.

I understand that the Hon. R. Lawson has an amendment—a radical amendment—that the government will be opposing. I am sure that the presses are ready to roll as soon as the decision has been made, and I am surprised that the honourable member did not line up the cameras to come in today to be here for this historic vote in this council.

Bill read a second time.

In committee.

Clauses 1 to 7 passed.

Clause 8.

The Hon. R.D. LAWSON: I move:

Page 6, after line 17—Insert:

(6) Legislation must be published under this act without reference to the Latin regnal year.

This amendment seeks to remove from the prints of South Australian legislation the Latin regnal year. The regnal year is the year of the monarch in which a particular act is passed. For example, the first act passed in 2001 was the Hairdressers (Miscellaneous) Amendment Act of that year, and it has printed on the front sheet of the particular act 'South Australia', the royal coat of arms, and beneath it the Latin regnal year, that particular year being Anno Quinquagesimo Elizabethae II Reginae AD 2001. What I seek to have removed is the reference to the Latin regnal year.

It was once common for these years to appear on legislation. However, this practice has been abandoned by the commonwealth parliament and in all states and territories, as well as in New Zealand. The reason for abandoning Latin at this stage is that Latin is no longer studied or understood by the vast majority of the Australian population. For those who once did study Latin, I doubt that many would recognise the majority of regnal years. Put shortly, the use of Latin tags has become merely an affectation with no meaning. Some might argue that we should not abandon a custom which has been followed for a long time, but it is interesting to look, as I did, at the first act that was passed after the establishment of South Australia, which was an act for the establishment of the courts of general or quarter and petty sessions in His Majesty's province of South Australia, an act passed in 1837, designated no. 1.

Did it have a Latin regnal year? No, it said: 'In the seventh year of the reign of King William IV.' If it was good enough for our forebears to use the English language, it surely should be good enough for us to do exactly the same. I noted, after putting my amendment on file, a report in the *Advertiser* of last week relating to this year's school examinations. The report has a lovely photograph of Erica Southern, the single female student sitting for the Latin SACE exam this year. It said that another six students, all males, at the Pulteney Grammar School are presently studying the language. They think it is something different. She said that she selected it because it sounded interesting.

However, our laws are public acts which should be understood by every member of our community capable of speaking the language of our state. It is inappropriate in this day and age to insist upon something, which, as I say, has become nothing more than an affectation. I can assure you, Mr Chairman, that this is not a brand of creeping republicanism. I am not seeking by this amendment to remove the royal coat of arms from South Australian legislation, notwithstanding the fact that the legislation of all other comparable jurisdictions has either the federal or a state coat of arms. All I seek to do is to remove from official publications and acts of this parliament a Latin year that no-one understands.

The Hon. T.G. ROBERTS: The government vigorously defends the Attorney-General's bill in this place and defends the will of the people for the Latin regnal year to remain as stated on the cover of the bill. As it is the Attorney-General's bill, and as the instructions are for me to defend the integrity of the government's position, I will rest my case without too many words. I would like an indication from the Democrats as to where they are going with respect to this matter, but we will defend the integrity of the conservative position that has been put forward in this bill by the Attorney-General.

The Hon. IAN GILFILLAN: The position of the Democrats was determined by a sort of question and answer exercise that took place in this chamber a short time ago. I feel tempted to ask the minister leading the government in this debate whether he would be kind enough to translate the

motto stamped on my christening mug of the previous century, which is, 'Nemo me impune lacessit'.

Members interjecting:

The Hon. IAN GILFILLAN: I think *Hansard* may need some coaching as to just what my motto is. I would have thought that, if we were determined to retain Latin in such a formal position in legislation, it would be an easy task to ask the minister to give the accurate interpretation. I did ask two lawyers from the other side of the chamber to interpret the motto. One was mute, and the other said, 'No-one praises me with impunity.' That is not a motto that I particularly like. But it was a good try! I was then beyond any doubt persuaded that it is about time that we got rid of Latin because, erudite though we may be in this chamber, no-one seems to be able to translate such a simple little motto. The Democrats will support the amendment.

The Hon. A.J. Redford: What does it mean?

The Hon. IAN GILFILLAN: 'No-one attacks me with impunity.'

Amendment carried; clause as amended passed.

Remaining clauses (9 and 10), schedule and title passed.

Bill reported with an amendment; committee's report adopted.

Bill read a third time and passed.

STATUTES AMENDMENT (TRANSPORT PORTFOLIO) BILL

Adjourned debate on second reading.

(Continued from 13 November. Page 1296.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank honourable members for their contributions to the second reading debate. As pointed out by the Hon. Diana Laidlaw, apart from one new clause in this bill, this is the bill that was passed by this council late last year. In her second reading contribution, using it as a template model, the Hon. Sandra Kanck sought information on how the department became aware that someone had died. The Registrar of Motor Vehicles has advised that there are a number of ways the Registrar becomes aware of a death. These include:

1. The Adelaide Customer Service Centre receives notification from Births, Deaths, and Marriages.

2. Relatives, who may include a surviving spouse, notify Transport SA.

3. Trustees such as IOOF, Tower Trust, Public Trustee, etc. often notify Transport SA.

4. In the case where the deceased has not left a will stating the beneficiaries of their estate, solicitors would notify Transport SA.

The Registrar also noted that many people relinquish their driver's licence as they get older, and therefore may not be licensed at the time of their death. I also understand that at an earlier briefing the Hon. Sandra Kanck asked a question about emission control systems in relation to clause 17. The amended rules relating to emissions only cover petrol and diesel engines. When a vehicle is converted to another, if it retains the ability to use petrol/diesel as a fuel, it must maintain the appropriate petrol/diesel emission system. However, if the vehicle is completely converted to another fuel, the existing emission ADR does not apply and there is no need to retain the petrol/diesel emission system.

As members have noted, the bill is primarily administrative. It seeks to correct anomalies and drafting errors and thereby confirm the intention of the various acts it amends. I thank honourable members for their support.

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

STATUTES AMENDMENT (ENVIRONMENT PROTECTION) BILL

Adjourned debate on second reading.

(Continued from 23 October. Page 1187.)

The Hon. A.L. EVANS: I rise to indicate Family First's support for the second reading of this bill. My party is very much in favour of measures that protect the environment, and this bill is a step towards improving environmental protection. It is important that our environment is recognised as extremely valuable and worthy of protection, and I am very keen to support legislation that will achieve that.

One of the main objects of the bill is to revamp the Environment Protection Authority as an independent body. The bill also ensures that the EPA has power to enforce a tough environmental stance in South Australia. The bill increases the maximum penalty for causing serious environmental harm from $1 million to $2 million for a body corporate and from $250 000 to $500 000 for an individual. If an organisation or individual engages in activity that will cause environmental harm, they must realise that there are serious financial consequences. The financial consequences need to be serious enough to avoid the situation where someone is willing to incur a fine because the fine is less than the economic benefit gained through an illegal clearance.

The bill also changes the degree of knowledge that a person is required to have about the level of environmental harm that may result from their actions. Under section 79(1) of the Environment Protection Act, the prosecution must show that the accused intentionally or recklessly polluted the environment. The prosecution must also show that the accused caused the pollution knowing that serious environmental harm would result. I understand that the EPA has never charged anyone for a breach of section 79(1) of the act simply because the burden of proof is so high: the mental element is too difficult to prove.

The bill amends section 79(1) by reducing the degree of knowledge required. The prosecution will have to prove only that the defendant knew that environmental harm would or could result from their pollution. Under the bill, there is no longer a requirement for the person to have knowledge that the environmental harm would be serious. There is also no longer a requirement that the person intentionally or recklessly harmed the environment, so prosecutions are more likely to be successful. This aspect of the bill is in line with similar offences in Queensland, New South Wales, Western Australia and Victoria. Family First is always keen to support measures that help the environment, and we support the second reading.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 13 November. Page 1308.)

The Hon. G.E. GAGO: The South Australian Labor government believes strongly in open and accountable

government. The people of South Australia and Australia have a general distrust and disrespect of government and politicians, and it is little wonder that that suspicion exists. The recent political history of the previous South Australian government and the current federal government has been shrouded in the concealment of government dealings and processes. The federal government has on occasion created its own distorted and dishonest version of events in an attempt to boost approval ratings, the most obvious example being the children overboard incident.

The previous state government used every trick in the book to avoid public scrutiny of its conduct, such as occurred with the privatisation of ETSA, the Hindmarsh Stadium fiasco and the Motorola incident. The latter example resulted in the resignation of the previous government's premier after the Clayton report into the Motorola affair. Terms such as 'misleading', 'inaccurate' and 'dishonest information' were used frequently within that report. It really is understandable that these governments have tried their hardest to keep public scrutiny to a minimum by suppressing what should otherwise be public documents and information. It is been in their interests to keep their dealings behind closed doors. It is not in the interests of an open and accountable government and certainly not in the interests of the public.

The principle of open government, for those who might need reminding, involves conducting government activity in such a manner that the public has the right of access to documents related to public affairs in the custody of any government department or agency. Accountability involves the expectation that government employees answer for their performance to ministers, who are themselves responsible to parliament, so that ultimately all answer to the public. I would like to put to you that, if the government is not open and accountable—that is, government dealings are consistently hidden, hence unaccountable—our democracy becomes a farce. How can the public possibly make decisions on government actions or dealings if those dealings are consistently suppressed, as they have been in the past by the previous government?

The legacy left to us by the previous government involving suppression of government dealings is an incredibly dangerous one. It results in disfranchisement of our community and community cynicism of the political process. It results in the community being alienated from its democracy.

The Australian Labor Party, on the other hand, has consistently taken the stand that, for democracy to be real, government must be open and accountable. For the public to have a renewed sense of trust in government and politicians, we must carry out our dealings in an open and accountable manner. Good government is not afraid of public scrutiny; it encourages it. That is why the Rann Labor government is amending a number of acts, including the Freedom of Information Act, to show the South Australian community that we are serious about operating in a transparent and accountable manner. We believe that the public needs to know of the government's dealings to be able to determine whether or not the government is performing well and according to the platform on which we were elected.

I am proud to stand here today and speak in favour of legislation that enacts the Labor Party's election promises. We are not just a party of rhetoric: we are a party of action, and now we are a government of action.

This bill starts by seeking to amend the objects of our Freedom of Information Act to demonstrate that we believe the aim of freedom of information legislation is to enable disclosure of information and should not be used to prevent or discourage the public from accessing information. The bill seeks to facilitate disclosure—not, as was the case with the previous government, non-disclosure. The bill aims to ensure that FOI applications are not rejected on narrow, technical or political grounds, and the amended objects aim to make this obvious. Amending the objects in this manner sends a clear message and gives a clear purpose for the legislation.

I would now like to address a few of the reforms outlined in the bill. One of the many important proposed changes deals with commercial contracts. All commercial contracts signed after the commencement of the bill will be disclosed upon an FOI application. This is to be the new rule and not the exception—as previously occurred. The new exception provides the exemption of a contract from disclosure if it contains a confidentiality clause approved by the minister. Another important reform—once the bill has been passed, of course—is that it will no longer be the case that a document is exempt if simply attached to a cabinet submission. Under the amendments, in order for a document to be exempt under FOI legislation, it will be required to be prepared specifically for cabinet or Executive Council. It cannot just be attached to a cabinet document, as I believe happened during the term of the former government.

There will be a mechanism for cabinet documents to be approved for disclosure. The minister responsible for the document is to consider the possible implications of disclosing the document prepared for cabinet and, if it is deemed appropriate, the minister can recommend that the document 'may be disclosed'. Further, the clause allowing for ministerial certificates to be issued, exempting a document from release, will be removed. I understand that, currently, negotiations are in place to amend the fee provisions within this bill. I am looking forward to this council's coming to a resolution regarding the concerns of various parties on this issue.

Let us take a look at how genuine the opposition's commitment to freedom of information, to openness and transparency, really is. I would like to note the document which minister Conlon in another place referred to and which, I believe, was tabled on Tuesday 27 August this year. It is entitled 'A working agreement to support South Australian government', and it includes Peter Lewis's compact for good government. This document was a working agreement between Peter Lewis (the Speaker) and a prospective Liberal government. It provides us with a very clear indication, I believe, of the commitment of the opposition to the Freedom of Information Act, when members opposite believed they would form government for this 50th parliament.

The document contains a number of statements about improving freedom of information legislation. A good number of those statements, in fact, were crossed out and initialled by Rob Kerin (then premier) and his sidekick, Dean Brown (then deputy premier). The statement which was crossed out and which was initialled by the former premier and his deputy states:

> . . . to adhere to the spirit of FOI legislation and its underlying principles.

It is crossed out and initialled. Quite clearly, the former government was not prepared to agree to the principle of FOI. What an absolute disgrace! What hypocrisy! They also refused 'to reduce the delay between a request for and the provision of documents'. They refused to agree to that. It is

crossed out and initialled. They also crossed out and initialled, that is, did not agree to 'removing obstructions such as excessive cost claims and appeals against document release'. Members opposite have the audacity to sit across there and complain about costs when they themselves refused to agree to removing obstructions such as excessive cost claims and appeals against a document's release. What hypocrisy!

What is even more interesting are those sections which it appears they did agree to, that is, the sections that were not crossed out. It appears they were prepared to agree 'to immediately ban the use of gill nets in the riverine corridor of the Murray and phase out the commercial fishing of those native species'. They agreed to immediately ban the use of gill nets. That is something to which they agreed. Another little gem to which they agreed—it was not crossed out and initialled—was 'to provide a separate additional category of licence to any person who uses a vehicle of less than 20-seat capacity'.

I find it fascinating to look at the sorts of things to which members opposite were prepared to agree or not agree. I do hope that members opposite, now that they are in opposition, have changed their tune and that, as their chest-beating in this chamber over the past few days might seem to indicate, they are in fact genuine and support these enhancements to honesty and openness in government. It is obvious that members opposite believe in open and accountable government only when they are in opposition—unlike we on this side of the chamber, who believe in open, honest and accountable government regardless of whether we are in opposition or in government. It is important to highlight that, while these amendments are promoting open and accountable government, they are protecting personal affairs.

An honourable member interjecting:

The PRESIDENT: Order! The Hon. Angus Redford will come to order.

The Hon. G.E. GAGO: The timing under schedule 1, clause 6, currently stipulates that documents exempt from the FOI Act on the grounds of personal affairs are exempt for a period of 30 years. This time period is to be extended to a period of 80 years, from the time that the document was created. There was much chest-beating over this extension of the period. I think it would be useful if the opposition actually listened for a change.

We have heard from members of the opposition how unreasonably secretive this change is. The time period is being extended to reflect the lifetime of a person and, when that is placed in the context of the current provision, I remind members that it is there to protect the vulnerable, to protect the people who need protecting.

The current FOI Act provides that a document can be made an exempt document if it contains matter which 'consists of information concerning a person who is presently under the age of 18 years or suffering mental illness, impaired infirmity or concerning such a person's family circumstances.' This also includes any information of any kind furnished by such people. The current act also provides for exemption where 'the disclosure of which would be unreasonable having regard to the need to protect that person's welfare', and, 'if it contains allegations or suggestion of criminal or other improper conduct on the part of a person (living or dead) and the truth of those allegations or suggestions has not been established by judicial process'.

As we can see, this provision seeks to offer such protection not only to the living but also to the dead or, in other words, the family of the deceased. These are fair and reasonable protections reflecting the values of a civilised society. To extend that protection to what equates to the lifetime of a person is also a fair, reasonable and civilised thing to do. A period of 80 years has been selected for the following reasons—and I will quote directly from a letter from the Hon. J. Weatherill to the Hon. Robert Lawson, faxed on the 13th of this month, I think. An excerpt from this letter states:

> The time period of 80 years was chosen for its consistency with the public access determination guidelines drafted by State Records in accordance with the State Records Act. The State Records Act does not prescribe a time period for accessing documents. The State Records Act does not prescribe a period for accessing documents. Determinations (according to the public access determination guidelines) can range from a document being unrestricted to being subject to restrictions for up to 100 years.

The letter further states:

> It is interesting to note that the South Australian Freedom of Information Act is the only Australian FOI legislation—

I stress 'only'—

> which enables the release of personal information after a prescribed period of time.

We are the only state to do that. In other states personal information is restricted permanently under freedom of information legislation. The Rann Labor government—

An honourable member interjecting:

The Hon. G.E. GAGO: I would be very interested to hear an amendment of that kind from the opposition benches. I look forward to that amendment. The Rann Labor government has consistently taken a stand. We believe that, for democracy to be sustained, government must be open and accountable. For the public to have a renewed sense of trust in government and politicians we must carry out our dealings in an open and accountable manner. The bill before us is a package of reforms to achieve this end. I commend the bill to the council.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

ADJOURNMENT

At 5.16 p.m. the council adjourned until Monday 18 November at 2.15 p.m.