LEGISLATIVE COUNCIL

Monday 27 June 2005

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.20 p.m. and read prayers.

QUESTIONS ON NOTICE

The PRESIDENT: I direct that written answers to the following questions, as detailed in the schedule that I now table, be distributed and printed in *Hansard*: No 272 of the second session; and Nos 28, 190, 191, 210, 215 to 217, 219, 222 and 224 of this session.

OFFICE OF THE UPPER SPENCER GULF, FLINDERS RANGES AND OUTBACK

272. (2nd Session) **The Hon. D.W. RIDGWAY:**

1. What is the role, function and purpose of the Office of the Upper Spencer Gulf, Flinders Ranges and Outback at Port Augusta?
2. How many people are employed in this office?
3. What are the salaries of the employees?
4. What are the job descriptions of the employees?
5. If Government vehicles are provided to this office—
   (a) How many are provided; and
   (b) To whom are they provided?

The Hon. P. HOLLOWAY: Refer to the response from the Hon. T.G. Roberts MLC printed in the Legislative Council Hansard on 31 May 2004 (page 1670).

ONESTEEL

28. **The Hon. SANDRA KANCK:** In respect of OneSteel's plan to construct a pipeline to carry iron ore from Iron Duke to Whyalla, can the Minister for Environment and Conservation advise—

1. What approvals have been given for native vegetation clearance?
2. (a) What species will be cleared; and
   (b) Was any public input sought before the decision was made?

The Hon. P. HOLLOWAY:

1. The Department of Primary Industries and Resources (PIRSA) acts as the Native Vegetation Council's (NVC) delegate with respect to native vegetation clearance as part of mining activities. PIRSA applies NVC policies on clearance and revegetation through the use of vegetation management plans, which are approved as part of the mining and rehabilitation program required by the *Mining Act, 1971*. These plans are currently being assessed by PIRSA. The Federal Department of Environment & Heritage have determined this is not a controlled action under the Environment Protection and Biodiversity Conservation Act 1999 (Cth) due to no significant impact on species of national environmental significance.

2. (a) The vegetation of the area proposed for the pipelines trench pit varies over the length of the corridor and contains upper storey of Mallee, Western Myall, Black Oak, Sugarwood and Bullock bush with understories of heathland shrubs, Pearl Bluebush, Bladder saltbush, Black bluebush and Spinifex. Clearing of vegetation will be limited to the minimum areas required. The 50 metre corridor width will allow avoidance of most of the significant vegetation and minimise disturbance of western myall.

(b) Flora and Fauna studies of the pipeline route were undertaken by OneSteel and referred to the Federal Department of Environment and Heritage under the EPBC Act. The relevant details were published on their web site as required under this act. These studies were also presented in OneSteel's application to PIRSA for approval of a mining and rehabilitation program which is circulated to landowners and advertised widely for public consultation.

SPEEDING OFFENCES

190. **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding in South Australia between 1 July 2004 and 30 September 2004 by—
   (a) speed cameras; and
   (b) other means;
   for the following speed zones—
   60-70 km/h;
   70-80 km/h;
   80-90 km/h;
   90-100 km/h;
   100-110 km/h;
   110 km/h and over?
2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by—
   (a) speed cameras; and
   (b) other means?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The Commissioner for Police has advised the following:

Number of motorist caught speeding (1/7/04 to 30/9/04)

	Detections			Expiated Notices ($)		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
60 kph	21 938	5 081	27 019	2 915 635	813 415	3 729 050
70 kph	239	369	608	30 123	62 436	92 559
80 kph	876	1 477	2 353	134 207	259 767	393 974
90 kph	416	203	619	57 168	32 309	89 477
100 kph	349	1 434	1 783	51 782	249 635	301 417
110 kph	236	3 667	3 903	33 968	650 336	684 304
Grand Total	24 054	12 231	36 825	3 222 883	2 067 898	5 290 781

The revenue from Expiation Notices includes the levy to the Victim of Crime Fund.

191. **The Hon. T.G. CAMERON:**

1. How many motorists were caught speeding in South Australia between 1 October 2004 and 31 December 2004 by—

(a) speed cameras; and

(b) other means;

for the following speed zones—

60-70 km/h;

70-80 km/h;

80-90 km/h;

90-100 km/h;

100-110 km/h;

110 km/h and over?

2. Over the same period, how much revenue was raised from speeding fines in South Australia for each of these percentiles by—

(a) speed cameras; and

(b) other means?

The Hon. P. HOLLOWAY: The Minister for Police has provided the following information:

The Commissioner of Police has advised the following:

Number of motorist caught speeding (1/10/04 to 31/12/04)						
	Detections			Expiated Notices ($)		
	Speed Camera	Other means	Total	Speed Camera	Other means	Total
60 kph	30 812	4 840	35 652	3 975 166	752 885	4 728 051
70 kph	379	481	860	42 930	81 131	124 061
80 kph	1 734	1 700	3 434	235 724	279 857	515 581
90 kph	1 492	203	1 695	202 241	32 384	234 625
100 kph	756	1 194	1 950	104 150	210 528	314 678
110 kph	571	3 929	4 500	83 585	667 596	751 181
Grand Total	35 774	12 347	48 091	4 643 796	2 024 381	6 668 177
The revenue from Expiation Notices includes the levy to the Victim of Crime Fund.						

ROBERTS, Hon. T.G.

210. **The Hon. R.I. LUCAS:** How many written representations has the Minister for the River Murray received from the Hon. T.G. Roberts MLC, on behalf of South Australian constituents, since March 2002?

The Hon. J.W. WEATHERILL: The Minister for the River Murray has advised that:

The Hon Karlene Maywald MP, Minister for the River Murray, has received no written representations in her Ministerial Office from the Hon. Terry Roberts MLC since 23 July 2004.

HOLLOWAY, Hon. P.

215. **The Hon. R.I. LUCAS:** How many written representations has the Minister for the River Murray received from the Hon. P. Holloway MLC, on behalf of South Australian constituents, since March 2002?

The Hon. J.W. WEATHERILL: The Minister for the River Murray has advised that:

The Hon. Karlene Maywald MP, Minister for the River Murray, has received six pieces of correspondence in her Ministerial Office from the Hon. Paul Holloway MLC since 23 July 2004.

216. **The Hon. R.I. LUCAS:** How many written representations from the Hon. P. Holloway MLC, on behalf of South Australian constituents, have been received since March 2002?

The Hon. CARMEL ZOLLO: I provide the following information:

The Minister for Emergency Services has not received any representations from the Hon. P. Holloway MLC, on behalf of South Australian constituents, since March 2002.

217. **The Hon. R.I. LUCAS:** How many written representations has the Minister for Health received from the Hon. P. Holloway MLC, on behalf of South Australian constituents, since March 2002?

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

The Minister for Health has not received any representations from the Hon. P. Holloway MLC, on behalf of South Australian constituents, since March 2002.

219. **The Hon. R.I. LUCAS:** How many written representations has the Minister for Education and Children's Services received from the Hon. P. Holloway MLC, on behalf of South Australian constituents, since March 2002?

The Hon. CARMEL ZOLLO: The Minister for Education and Children's Services has provided the following information:

A search of the correspondence database held on behalf of the Minister for Education and Children's Services indicates the Minister for Education and Children's Services has received six representations.

ROBERTS, Hon. T.G.

222. **The Hon. R.I. LUCAS:** How many written representations has the Minister for Health received from the Hon. T.G. Roberts MLC, on behalf of South Australian constituents, since March 2002?

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

The Minister for Health has received one representation from the Hon. T.G. Roberts MLC, on behalf of South Australian constituents, since March 2002.

224. **The Hon. R.I. LUCAS:** How many written representations has the Minister for Education and Children's Services received from the Hon. T.G. Roberts MLC, on behalf of South Australian constituents, since March 2002?

The Hon. CARMEL ZOLLO: The Minister for Education and Children's Services has provided the following information:

A search of the correspondence database held on behalf of the Minister for Education and Children's Services indicates the Minister for Education and Children's Services has received five representations.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Industry and Trade (Hon. P. Holloway)—

South Australian Budget Speech 2005-06 (Budget Paper 2) Erratum.

ASHBOURNE, Mr R.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I lay on the table a copy of a ministerial statement relating to Mr Randall Ashbourne made on 23 June in another place by the Deputy Premier.

STANDING ORDERS SUSPENSION

The Hon. SANDRA KANCK: I move:

That standing orders be so far suspended as to enable me to move forthwith a motion concerning a public inquiry in relation to the Ashbourne, Clarke and Atkinson matter.

The PRESIDENT: Is the honourable member moving this motion under standing order 457?

The Hon. SANDRA KANCK: Yes, Mr President.

The PRESIDENT: It is, in your view, of urgent necessity?

The Hon. SANDRA KANCK: Yes, sir.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The government will be opposing this motion. My colleague the Deputy Premier made a ministerial statement in the House of Assembly last Thursday wherein he indicated the government's response in relation to this matter. It is a complete nonsense to suggest that this matter is urgent. The Deputy Premier has already indicated that when the House of Assembly resumes on Monday 4 July the government will put these matters in place. That undertaking is on the record. It is rubbish to suggest that the matter is urgent. There is no

need whatsoever to suspend standing orders.

The Hon. A.J. Redford interjecting:

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

The Hon. P. HOLLOWAY: I think members well know the background to this matter.

The Hon. T.G. Cameron: That's what we're after!

The Hon. P. HOLLOWAY: Exactly! What happened was that the Deputy Premier and the Premier were not called—

An honourable member interjecting:

The Hon. P. HOLLOWAY: And your lying will do nothing to help that.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Everyone well knows that the Chief Executive of the Premier's department had an investigation into certain allegations. He brought in senior counsel from Victoria, and both those people said that the actions of the government were proper. It was then referred to the Auditor-General of the state who determined that these matters had been properly handled.

Members interjecting:

The PRESIDENT: Order! A motion is before the council for a suspension of standing orders. It is a matter of serious note. When the motion is being debated, I want members who will have an opportunity to speak—and at least two more members will have an opportunity to speak on the matter—to listen in silence.

The Hon. P. HOLLOWAY: The Auditor-General concluded that the government had handled the matter properly. Subsequently, Mr Randall Ashbourne was charged—

An honourable member interjecting:

The Hon. P. HOLLOWAY: And he was found not guilty in what some have described as record time—52 minutes. Clearly, no crime has been committed. Mr Randall Ashbourne—

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes, because they did not request him. Have you ever thought why? I am pleased for the interjection. Why did they not ask him? I will tell you why: because he did not contribute to their case; that is why.

The PRESIDENT: Order! The motion before the chair is that the standing orders be suspended. Speakers will not engage in debate on the subject matter of a motion that is about to be moved. The question is whether the standing orders ought to be suspended so that the Hon. Mrs Kanck can then move her motion. There will be no debate about the substance of the matters in the indicated amendments to be moved later.

The Hon. P. HOLLOWAY: It should be transparently obvious to all Independent members here that, clearly, the party of the Hon. Sandra Kanck is, quite properly, facing annihilation at the next election. It is thoroughly deserved. She is trying to get some relevance. There is absolutely no need for urgency in the matter. There is absolutely no case whatsoever. This council was due to sit this week so that it could deal with some of the very important business that is on the *Notice Paper*. What a disgrace members opposite are that they seek to avoid discussion on the important matters that are before this parliament when they know full well that the Deputy Premier has already announced the government's response to this matter, and that it will be dealt with next week when the House of Assembly resumes.

That is what it is all about. What we are seeing here today is what it is all about. This is all a political fiction, but it does nothing for this council. It really does raise the question again: does the Legislative Council of South Australia really deserve to exist if this is the best it can do—waste time and refuse to do what it is meant to do? The Hon. Sandra Kanck, as I understand it, has asked for a pair this evening. She will not be here tonight to debate any government business, but she is quite happy to waste a couple of hours.

This is irresponsible in the extreme for no purpose. Absolutely nothing whatsoever can come out of any debate in this council today. Nothing whatsoever can come out of this debate today which will have any impact on anything.

The Hon. R.D. LAWSON: We support the motion for a suspension of standing orders. We have just heard the Leader of the Government indicate that this government wants to cover up the Ashbourne/Atkinson affair. It does not want an inquiry and it does not want an open inquiry. If the government were truly interested in open and accountable government it would be supporting this motion for the suspension of standing orders, and supporting an open inquiry so that the facts can be laid before the public of this state so that they can learn about the corruption of this government.

The Hon. P. HOLLOWAY: I rise on a point of order, Mr President.

Members interjecting:

The PRESIDENT: Order! A point of order has been called.

The Hon. P. HOLLOWAY: I ask for the Leader of the Opposition to withdraw that accusation. Only one government in this state's history has been corrupt, and he was a member of it.

Members interjecting:

The PRESIDENT: Order! Dissent is not a point of order. The Hon. Mr Lucas is claiming another point of order.

The Hon. R.I. LUCAS: Yes, Mr President. I ask the leader to withdraw and apologise. I said nothing in relation to the issue.

The PRESIDENT: It was the deputy leader; we are aware of that. There being no further contributions on this matter, I put the question.

The council divided on the motion:

AYES (14)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Gilfillan, I.
Kanck, S. M. (teller)	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I.
Redford, A. J.	Reynolds, K.
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	Xenophon, N.

NOES (5)

Gago, G. E.	Gazzola, J.
Holloway, P. (teller)	Sneath, R. K.
Zollo, C.	

PAIR

Stephens, T. J.	Roberts, T. G.

Majority of 9 for the ayes.

Motion thus carried.

ASHBOURNE, CLARKE AND ATKINSON INQUIRY

The Hon. SANDRA KANCK: I move:

That this council require the Rann government to conduct the Ashbourne, Clarke and Atkinson inquiry as a public inquiry with all the powers of a royal commission and upon terms of reference agreed to by both houses of parliament.

The PRESIDENT: Before the Hon. Ms Kanck commences, I draw members' attention to standing order 459, which states:

Such Suspension shall be limited in its operation to the particular purpose for which it has been sought and, unless it be otherwise ordered, to that day's sitting of the Council.

The time is unlimited. The Hon. Mrs Kanck has the call. People should be relevant in their contributions and not seek to debate issues which may be the subject of the inquiry.

The Hon. SANDRA KANCK: I thank members for their support of this motion. The South Australian Democrats have taken this unusual step—and it is unusual because it is the first time in my 11½ years in the parliament that I have done this—of moving to suspend standing orders because of the importance of the Ashbourne, Clarke and Atkinson inquiry to the health of our democracy. Official corruption is a cancer of the body politic and must be stamped out whenever and wherever it occurs. Once established, it is difficult to eradicate and, like most invasive diseases, it should be dealt with immediately. That is why I call on the council to support my motion.

To date, the Rann government has failed to address this matter in an open, effective and timely manner. When allegations of potentially corrupt behaviour by a senior government adviser were first presented to the Premier, the Deputy Premier, the Attorney-General and the then minister for police, the four most senior politicians in this state opted to conduct a secret, in-house inquiry into those allegations and, by any measure, those allegations should have been immediately referred to the Anti-Corruption Branch of South Australia Police. Yet, Mr Warren McCann, the chief executive of the Department of the Premier and Cabinet, was directed to conduct an inquiry into the matter. The failure of the leadership group of the executive government to refer that matter to the police must be thoroughly scrutinised by the inquiry.

A host of other questions flow from that initial decision. What qualifications did Mr McCann have to conduct such an inquiry? Is he an expert in the criminal law and criminal investigation? And why was it that Mr Ralph Clarke was not interviewed as part of the McCann inquiry? The McCann inquiry itself resulted in a report which is yet to see the light of day. Scrutiny of that report will be fundamental to this inquiry, as will an investigation of how the Rann government dealt with the McCann report. Rather than passing on the report to police, it was sent to the Auditor-General and a retired Victorian judge. Again, those decisions must be closely scrutinised. Why were those options pursued rather than providing a copy of the report to SAPOL for its assessment, and why was this all done in secret?

Corruption flourishes in the dark, in secrecy, and the most powerful members of government in this state chose to conduct a secret investigation into allegations of corrupt behaviour that, when finally handed to the police, resulted in charges being laid and the state's first court trial for official corruption at government level. We only now know of the matter because someone whispered about it and questions were asked in parliament, and that was six months after the allegations were first raised. Had the information not been leaked, we would still be none the wiser. Secrecy is the enemy of democracy and that is why the Ashbourne inquiry must be held in public. There has been far too much government secrecy on this matter already.

The terms of reference of this inquiry will be crucial in determining how much we learn from it, and I believe those terms of reference must be agreed to by both houses of this parliament. Currently, the Rann government is proposing the terms of reference be determined by just the House of Assembly. In short, the government proposes that it control the terms of reference of an inquiry into its failure to deal effectively with allegations of corruption. Caesar cannot judge Caesar. Accountability is the cornerstone of democracy.

This inquiry is too important to leave the terms of reference open to party political control. The terms of reference will need to be broad, and backed by powers to compel the attendance of witnesses and the presentation of documents. The government needs to engage the parliament in this process. This inquiry will not amount to another trial of Randall Ashbourne. Randall Ashbourne has been found not guilty of corruption by a verdict of his peers and that verdict will stand unchallenged. But, in the end, it is not about Randall Ashbourne; it is about this government's processes and the poor way it has dealt with allegations of corruption.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): That is extraordinary. It is probably inevitable that such a debate from the Hon. Sandra Kanck would be so short, given the total flimsiness of her case in relation to this matter. I indicated earlier what has happened in relation to this matter, that the Deputy Premier made a statement to the House of Assembly last Thursday wherein he indicated that there will be a commission of inquiry, that the inquiry will be independent, that it will be conducted by a senior counsel or other suitably qualified person, that the government will consult with parliamentary leaders, including the Leader of the Opposition, on the appointment, and that the terms of reference of the inquiry will be determined on motion of the House of Assembly (as was the case in relation to the Clayton inquiry). So much for Sandra Kanck's comments about Caesar judging Caesar!

I am sure that members will remember the Clayton report: in that case the terms of reference were determined on motion of the house, and what is being done here totally mirrors that. The powers of this inquiry will be the same as those granted to Mr Dean Clayton under the Software Centre Inquiry (Powers and Immunities) Act 2001. The inquiry will be properly resourced and given sufficient time to meet its terms of reference. The final report will be tabled in parliament and the government will move to put these arrangements in place on Monday 4 July. That was announced by the Deputy Premier last week.

The Deputy Premier also indicated that in the meantime, now that the court case is over, we intend to seek legal advice on natural justice issues that arise from publicly releasing the McCann report. The Deputy Premier addressed that issue last week. All these matters were addressed. He said that once we have that advice we will come back to the house on when and how we can table the report in parliament.

I understand from the press reports that the Hon. Sandra Kanck spent a considerable amount of time in court over the past few days. I do not know whether she stayed around for the verdict in the Ashbourne case, but if she had she would have seen that it was delivered in almost record time (if there are records in such issues) and it found Mr Ashbourne not guilty. When the Deputy Premier became aware of a matter and drew the Premier's attention to it, an immediate investigation was undertaken of that matter by Mr McCann to inquire whether there were reasonable grounds for believing that there had been any improper conduct or breach of ministerial standards. Mr McCann was to determine whether any further inquiry was warranted.

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: I am sorry, Angus, but as a lawyer don't you know that investigations are not actually done in public? Don't you know that much as a lawyer? Mr McCann sought independent legal advice about the matter. His report concluded that there were no reasonable grounds for believing that the Attorney-General's conduct was improper or that he had breached the ministerial code of conduct. The report also concluded that there were no reasonable grounds for believing that Mr Ashbourne breached the relevant standards applying to his conduct, but there are aspects of his conduct that resulted in the Premier's issuing a formal reprimand to Mr Ashbourne.

Mr McCann concluded that a further investigation was unwarranted. At the conclusion of Mr McCann's preliminary investigation, his report and all relevant material was provided by the Premier to the Auditor-General, and the Auditor-General advised on 20 December 2002—this is going back 2½ years now:

> In my opinion the action that you have taken with respect to this matter is appropriate to address all of the issues that have arisen.

We know that subsequently the matter was referred to the DPP which, for reasons that are best known to it, decided that a prosecution would be launched. As a result of that the matter was dispatched very quickly by the courts. Mr Ashbourne was found not guilty, which totally backs up the finding of evidence in the McCann report and the Auditor-General that this matter was handled properly. In spite of that, the Premier indicated at the time that because there were administrative matters he would be prepared to have a further inquiry, even though subsequently Mr Ashbourne was found not guilty.

There was no offence committed, which totally concurred with the earlier findings. There is probably no other parliament in the world where so much time will be spent on a matter of such little relevance as this. I guess this government should take it as a credit that, in 3½ years, this is the best thing that the opposition can come up with. Rather than debating the very important issues of the day, they would rather spend our time here debating a matter that has been well canvassed, has been through the courts, and the courts have determined the individual not guilty. Of course, for the Hon. Sandra Kanck it is history. She was the one who supported the motion for the Auditor-General's investigation.

This parliamentary committee has now been stumbling around for months, but she did not even serve on it. She moved to set up the inquiry and then would not even get involved in it. This is just absolutely extraordinary. As the Hon. Sandra Kanck says, in all her time in parliament she has never moved this before. Where was she during all those events that were happening during the previous government, when ministers were being sacked left, right and centre? Here we have a situation where someone draws to the Deputy Premier's attention that there may have been a crime committed. He has it investigated and they determine that there has not been, that is the best advice. It goes off to the courts and, ultimately, a jury concurs in that.

Anywhere else in the world, that would be the end of it, but not here with this opposition. I suppose that this government should be pleased, if this is the best that the opposition can do, to raise these matters. No matter how much members opposite try to muddy the waters, the basic fact stands quite clear that, in the end, the jury system acquitted Mr Ashbourne. It found that there was no crime committed, and that agrees with all the previous reports and actions. If members wish to go on, they can grandstand and set up all the select committees and anything else they like, but I have no doubt that, no matter what the terms of reference or anything else, they will all come down with the same conclusion. The only conclusion they can come to is that the government acted entirely properly in this matter. There is really no alternative.

What we do have to talk about is the state's resources. This government is not going to be party to the wasting of time in parliament and the wasting of hundreds of thousands of dollars of taxpayers' money on wild goose chases where there is absolutely no case. Mr Ashbourne surely has been through enough already: why should we have to go through this matter again? The government has behaved quite properly, as I said. The conditions under which the government will establish a response to this were announced last week. Regardless of this debate, whatever happens today is entirely immaterial because, ultimately, this matter will be established in the normal way that these things are, and that will involve the concurrence of the House of Assembly, which is not meeting until next week.

Whatever we do this week can be described in only one way, and that is, unnecessary grandstanding, because until the House of Assembly meets next week the matter cannot be advanced one step further. Let us stop wasting the time of this parliament and get on with the business of the day.

The Hon. R.D. LAWSON: If this situation had arisen in New South Wales, the matter would be being investigated now by the Independent Commission Against Corruption. If it happened in Queensland, the minister would be before the Crime and Misconduct Commission now answering questions that have been raised. If we were in Western Australia, the Anti-Corruption Commission would be examining these issues. Here the government is seeking to cover up serious allegations and serious evidence that goes to the heart of our government.

The leader says that Mr Ashbourne has been acquitted, therefore that is the end of the matter. When McGee was acquitted, was that the end of the matter? No, a royal commission was called because there were serious questions to be answered, and it is sitting now. The leader is happy enough to see McGee before a royal commission but, when the allegations go before his Premier, his Attorney-General, his senior ministers, he will not have an inquiry. There are serious questions that have to be answered.

Members interjecting:

The Hon. R.D. LAWSON: This is a cover-up. We need to know whether the Premier or any minister provided misleading information; and whether the Premier or any minister or any ministerial adviser breached any of the Premier's much-vaunted codes of conduct or failed to act in

accordance with the appropriate standards of integrity and probity. We believe they did not. Why were these allegations not made public until the opposition raised them seven months—

An honourable member interjecting:

The Hon. R.D. LAWSON: It was seven months, not six months later. The government thought it had got away with it; it thought that it could cover up then, and it is still endeavouring to cover up.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: Why was not the anti-corruption squad called in immediately to investigate this matter? Why did government members go crawling off to Victoria to find a couple of retired lawyers to give them a tick, searching for a whitewash? Why was not Ralph Clarke interviewed? Why has the public not yet heard Mr Clarke's account of these events, either in the prosecution or in any committee? Why was Randall Ashbourne reprimanded by the Premier in 2002: what did he do? The Premier said that he took great pride in the fact that he reprimanded him. Now, of course, the leader says, 'He has been acquitted by a criminal court of certain criminal offences and, therefore, no action is required.' Was it appropriate for Randall Ashbourne, while he was on the public payroll, on his own admission, to be negotiating factional matters with respect to the Labor Party and rehabilitating people into the Labor Party? We have not heard from Murray De Laine, the disendorsed Labor member.

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: What we see here is this government, by every device it knows, seeking to limit this inquiry, to keep it behind closed doors and to sweep this whole issue under the carpet. The government thought that it could get away with it. It is running the line again today that Ashbourne has been acquitted and, therefore, that is the end of the matter: what is there to discuss? There is plenty to discuss. He has been acquitted. We are not after him: we are after you; those who are sitting on the other side of the—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: The Deputy Premier's announcement last week was all about delaying, deferring and covering up. That is not the first time: this government has form. What about the stashed cash affair, in which the Attorney-General is so clearly involved, and how this government refused to have any independent inquiry from an external judicial officer? What about the secret deal that this government entered into with the member for Hammond, a deal in which Randall Ashbourne now proudly says he played a—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: This government has form.

The PRESIDENT: Order! This is still a serious parliament. There is too much unparliamentary language on both sides. Because it is not being recorded does not mean to say that it is not happening. Members are lowering the demeanour of the council. If members stick to the facts, we will get through to the end of the debate and resolve this matter, and the victors can prepare their cases and the losers can prepare their defence. We will hear Mr Lawson in silence.

The Hon. R.D. LAWSON: This government has form in cover-ups. When there was the police investigation into certain events in Veale Gardens the government introduced legislation into this parliament to try to deprive the parliament of the opportunity to debate serious issues. This government talks about openness and accountability all the time but, when it comes to delivering, it is a secret, underhand government that will do anything it possibly can to suppress the facts. We support an open inquiry into this matter, and we deplore the attempts of this government to make it a closed and narrow inquiry—one where it feels it can get away with it.

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Gilfillan has the call.

The Hon. IAN GILFILLAN: I support the arguments put forward by my leader, the Hon. Sandra Kanck, and the Hon. Robert Lawson. It is very difficult to understand a couple of factors that have come forward from the Leader of the Government. First, he questions the validity of this upper house, which reflects in stark contrast, I think, the lament that his party has for the now ineffective state of the senate. He cannot have it both ways. The fact is that we are a bicameral parliament. This house of parliament is just as significant in controlling the legislation of the people in this state as the other place. It is an insult to the voting population of South Australia, who voted in various forms for all of us who are representing them in this place, to move or attempt to prevent their representatives in this place having a say in the terms of reference and the determination of the investigation, which I must remind the Leader of the Government was promised by the Premier.

So, what is the big deal? The Premier has promised a review. What does he mean by a review? Does he mean some secret little cluster of people behind closed doors, or does he mean an open procedure somewhat similar to, as the Hon. Robert Lawson said, the McGee inquiry, which is distinctly open? It is a royal commission, and it has wide ranging terms of reference and extended time. I find it very difficult to understand the logic, unless the government wants to hide or protect itself from details that may be revealed in an open and public investigation. The terms of the motion are innocuous if the aim is to have a thorough, open and accountable investigation of an issue. It just seems so repetitive that the argument comes up that this state should have an independent commission against crime and corruption.

I would indicate to honourable members who did not come to my balanced justice conference on Friday morning that Simon Stretton, the Crown Solicitor elect, supported the setting up of an ICAC, Graham Archer from *Today Tonight* somewhat surprisingly said that he supported an ICAC, and the President of the Law Society indicated support for setting up an independent commission against crime and corruption in South Australia. This is just another case. People are lamenting the push for the cost. This structure has been opposed by both Labor and Liberal governments. I would like to think that this debate does focus at least on a future in which we can set up in this state a structure similar to New South Wales, Western Australia and Queensland where we do not have to go through this performance of looking to set up the details of an investigation to deal with these matters.

To argue that it is not appropriate for this parliament to have an effective say in the nature, character and the detail of the investigation is an insult to this chamber of this parliament, and it does nothing to add weight, significance or credibility to the argument from the government that it opposes the motion.

The Hon. NICK XENOPHON: I support this motion, albeit for perhaps slightly different reasons than those of some of the other speakers. I think the benchmark for this inquiry was set by the government when it was opposition, given what it insisted of the then Liberal government in relation to the Motorola inquiry. There was a very interesting column in yesterday's *Independent Weekly* by Alex Kennedy, someone who knows a lot about the Motorola inquiry and who sees this as 'a maximum mayhem objective' and an 'eye for an eye', and she says 'the government has been cornered into it'. Notwithstanding that, I believe that the Motorola inquiry was a justified inquiry; there were some important issues there. I also believe that there ought to be an inquiry into this matter, and the same standards ought to apply here.

The issue is not whether we have an inquiry, as the government has already agreed to that, but whether it ought to have the powers of a royal commission, as set out in the motion of the Hon. Sandra Kanck—in other words, go a step beyond the Clayton inquiry into Motorola—and whether the inquiry ought to be open. The Motorola inquiry was not open, and my concern is that there may have been some procedural unfairness to some of those dragged before it. I believe that openness and procedural fairness in the whole process are the best ways to ensure that anyone involved in such an inquiry is treated fairly. I welcome the motion of the Hon. Sandra Kanck.

The Hon. Ian Gilfillan: What about the terms of reference?

The Hon. NICK XENOPHON: As to the terms of reference, the Hon. Mr Gilfillan makes the point that the government is ignoring this place by simply saying that it is up to the lower house to determine the terms of reference. Whilst we have a bicameral system—that is, two houses of parliament with, effectively, equal powers—I believe that it is important that the upper house has a say in relation to the terms of reference.

I note that the Hon. Mr Lawson has talked about the ICAC in New South Wales, the Crime and Misconduct Commission in Queensland and the anticorruption commission in WA. This matter would have been before those bodies, and that could well be the case. Is the opposition now saying that it supports an independent commission against corruption in this state? If so, I would welcome it to go one step further and say so publicly, given what the Hon. Mr Gilfillan has been campaigning for over a number of years.

I think that it is worth reflecting on what Alex Kennedy wrote in yesterday's issue of the *Independent Weekly* about the issue of political advisers doing party political work and the allegation that Mr Ashbourne was sorting out factional deals. Alex Kennedy is the Editor of the *Independent Weekly* and was a senior adviser to the former premier John Olsen: She states:

> And it's been going on in SA since the Dunstan days. The former Liberal Government had someone on the Premier's staff whose total job was party work, not Government work.

Alex Kennedy also makes the point:

> But if Government and Opposition really cared about how things were done properly, we would be having an inquiry instead into how board positions have been allocated and to whom and why. Every SA government has handed out board positions to drop-kick mates who don't deserve it and couldn't do it properly in a fit.

She makes the point that there are a number of notable exceptions. However, I think these are the bigger issues we need to explore. I support the motion. I have put this question on notice to the Hon. Sandra Kanck: she wants this inquiry to have the powers of a royal commission; what does she say that those powers will be? How different will they be to those of the Clayton inquiry? I think those are relevant issues for the council. I support the inquiry, and I support that it be open. I hope that the inquiry can deal with matters as expeditiously as possible. Let us not forget that, whilst it is not supposed to be about one particular person, Randall Ashbourne has paid a high personal and financial price with respect to these matters. He has lost his job and, effectively, has been unemployable as a result of these charges.

The Hon. R.I. Lucas: He would get a pretty good payout, wouldn't he?

The Hon. NICK XENOPHON: The Hon. Mr Lucas says that there is an issue of payout. That needs to be determined.

Members interjecting:

The PRESIDENT: Order!

The Hon. NICK XENOPHON: The fact is that he has paid a very high personal price, and that ought to be acknowledged—and Alex Kennedy, who went through the mill on Motorola, understands that more than most.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the comments made by my colleagues the Hons Robert Lawson, Sandra Kanck and Nick Xenophon. This motion and the issue strikes at the very heart of the Rann government. As my colleague has highlighted, it does not involve only Randall Ashbourne, who was the most senior political adviser to the Premier and a person who was given the responsibility of handling all the difficult issues on behalf of the Premier. Other speakers have referred to the negotiations that were conducted with the member for Hammond, and I will not refer to those. However, members in this chamber would know that in relation to a number of issues, when there was a difficulty that needed to be resolved for the Rann government—for the Premier in particular—Premier Rann sent Randall Ashbourne off to seek to resolve the issues.

I remind members of the problems relating to the administration of the Aboriginal affairs portfolio in South Australia—issues that were the subject of questions from the Hon. Kate Reynolds and my colleague the Hon. Rob Lawson, and others. When that became a running political sore for the government, Randall Ashbourne was charged with the responsibility of trying to sort out the issues. The MRI issue in the Queen Elizabeth Hospital and a number of others are examples of where Randall Ashbourne was asked, on behalf of the Premier, to resolve the issues and the problems for the government.

Premier Rann would like us all to believe that Randall Ashbourne on this occasion and on this occasion alone acted as a lone rogue agent, wandering the corridors of power, seeking to resolve the issues on his own behalf, without any knowledge of the Premier and other senior ministers in the government. I have to say that I am a cynic, and I do not always believe what Premier Rann would like me to believe. I think that most South Australians, having seen the list of broken promises from the Premier in a range of other areas, would also be cynical and sceptical about some of the claims being made not only by the Premier but also by this government. I am cynical and sceptical of the claim made by the Premier and others, by inference, that on this occasion and this occasion alone Randall Ashbourne was a lone rogue agent, wandering the corridors, seeking to resolve the issue.

Indeed, the Attorney-General (Mr Atkinson), in his evidence, I understand, as reported, indicated that, when

Randall Ashbourne came to see him, he believed that he was representing the Premier. This was the Attorney-General of this state indicating, as reported, that he believed that, when Randall Ashbourne came to see him, he was representing the Premier on this issue. The issue the Leader of the Government chooses to ignore in relation to this Rann government corruption inquiry is that—

The Hon. P. HOLLOWAY: I rise on a point of order, Mr President. Again, the Leader of the Opposition is abusing his position by using the word 'corruption', which is—

The Hon. R.I. Lucas: It's true.

The Hon. P. HOLLOWAY: It is not true. It is totally untrue, and I ask the Leader of the Opposition to withdraw it.

The PRESIDENT: What the leader is probably talking about is the alleged corruption. I take the point that the minister is making, that is, that the case has been tried and there is no decision. I am sure the Leader of the Opposition will take into account what the minister is saying. I ask the Leader of the Opposition to also take into account what I said at the start of the debate, that is, that this is not a substantive motion in the usual sense. It is a suspension of standing orders, and such a suspension shall be limited in its operations to the particular purpose for which it is being sought and, unless it be otherwise ordered, to delay the sitting of the council.

I did ask honourable members to stick to the motion, as moved by the Hon. Mrs Kanck. Some have strayed slightly, and I note that the Leader of the Opposition has strayed away from it. However, this is not a time to debate the merits of any of the points that may be investigated during such an investigation. Members should be arguing the motion as to why it ought to be a public inquiry. The opinions and the cynicism being expressed are starting to enter the realms of debate. That is fine, too, but it needs to be in respect of the motion before the council. I am sure the leader will take that into account when he concludes his remarks.

The Hon. R.I. LUCAS: Thank you, Mr President. I indicate to the Leader of the Government that I will not withdraw my description of this as the Rann government corruption inquiry. It will be an inquiry, if it is passed by this chamber and supported by another chamber as well, which will look at all these issues. As outlined by other speakers, it is not just the actions of Mr Ashbourne that will be considered in relation to this inquiry; it will also be the actions of the Premier, the Deputy Premier and Treasurer, the Attorney-General, and other ministerial staffers and advisers.

The point I was making, before being interrupted by the point of order, was that Randall Ashbourne has a history of acting on behalf of the Premier on all issues that might be political hot spots for the government, and I do not believe that he was acting as a lone rogue agent on this issue, as others would have us believe. Those who had standing in the court case had particular approaches that they were, obviously, going to adopt (without going into all the details), and the issues that are to be the subject of this inquiry will relate not just to the actions of Mr Ashbourne but also, as I said, to the actions of the Premier, the Deputy Premier, the Attorney-General and others. Therefore, those with standing before this inquiry will have a different point of reference, there will be other issues of interest to them, and it will not just be the issue of the particular criminal charge of corruption with which Mr Ashbourne was charged.

Other significant issues were raised by the Hons. Sandra Kanck and Robert Lawson, there are issues of ministerial codes of conduct and appropriate codes of behaviour for ministerial staff, and there are issues of whether or not people have misled the parliament because, as my colleague the Hon. Angus Redford pointed out, whilst the former government had a number of members who resigned from their ministerial offices, none of them did so as a result of charges in a criminal court—they were issues (in some cases) relating to whether they had misled the parliament. These are the issues that an open and public inquiry will need to address—not the specific detailed issue of whether or not Randall Ashbourne could be found guilty of the criminal charge of corruption or abuse of public office, as he was so charged.

It is a cute point from the Leader of the Government to say that that issue has been resolved and that, therefore, these other issues do not need to be considered, but it carries no substance. It was not the approach adopted by the Labor Party when in opposition when issues of misleading of parliament, ministerial codes of conduct or appropriate codes of practice and behaviour were being followed by the former government. There was no charge in a criminal court for the former government: the only government which has had a charge of criminal corruption is the Rann government—that is why we need to have a Rann government corruption inquiry.

People who need to be considered as witnesses for that inquiry would be Ralph Clarke and Murray De Laine, and I understand that others such as Edith Pringle and staff of the former members may well have evidence that should be offered. Colin James, who wrote an article with a particular perspective in one of the leading South Australian newspapers, also needs to be asked questions. Ministerial staff such as Mr Karzis and Cressida Wall, as well as a number of other ministerial staff of the Attorney-General, also need to be asked questions.

The Hon. A.J. Redford interjecting:

The Hon. R.I. LUCAS: Well, Mr Karzis and Mr Atkinson do have entirely different recollections, as do Mr Atkinson and Ms Wall. When one of your own staff within your own office takes a different position to you in relation to a meeting that both of you attended I would have thought that some serious questions ought to be asked and answered. When one of your most senior political advisers puts on the record, in sworn testimony, that his recollection of a particular critical meeting is completely different to the recollection—

The Hon. G.E. Gago: The jury acquitted him. He was acquitted by a jury.

The Hon. R.I. LUCAS: That was not tried by the jury. That was not the issue. We want to know the integrity and accountability of the Attorney-General in relation to some of the statements that he has made to the parliament, because he has put his particular perspective on the record in the parliament. If Mr Karzis and Ms Wall, and a number of other people who might give evidence to this inquiry, are correct in their recollections, then the Attorney-General has misled the parliament and will be forced to resign. I emphasise that: he will be forced to resign for misleading the parliament.

The Hon. P. Holloway interjecting:

The PRESIDENT: Order! The minister will come to order, and the Leader of the Opposition will conduct himself according to the normal procedures. There is no need to be yelling and screaming at one another across the chamber; we can all hear. While there is a break in proceedings, I draw to the Leader of the Opposition's attention, again, standing order 185 on relevance. He is starting to digress, and he is getting into debate about people's characters and what their

recollections may have been. They were the subject of another matter, and they may be the subject of a future inquiry. The motion that we have to deal with, and this is where it comes to relevance, is the motion moved by the Hon. Ms Kanck as to why this inquiry needs to take place in the form that it is in. I do not think that bringing in people's statements from other areas is appropriate. If there is to be an inquiry, that will be the subject of the inquiry. Members should really be debating what sort of inquiry we will have. My recollection is that both sides are talking about an inquiry. We are arguing about what sort of inquiry it will be. The Leader of the Opposition has the call, and I would like him to be heard in silence.

The Hon. R.I. LUCAS: Thank you for that. If there is to be a public inquiry, with the appropriate protections for witnesses, a number of people who have had conversations over the past three years, with not only Mr Ashbourne but also Mr Clarke, will need to be called in relation to their clear recollections of conversations that they had during that particular period on issues that relate to this Rann government corruption inquiry. Some critical questions also need to be asked about issues that relate to Mr Rann's appearance at the court and, in particular, the actions of Mr Nick Alexandrides, which are the subject of some increasing discussion in legal and political circles. Other important issues need to be explored by a public inquiry in relation to Mr Rann's approach to the court case, and, as I inferred earlier, the ministerial code of conduct and other issues that the Hon. Robert Lawson has outlined should also be the subject of this inquiry.

The opposition's view is very strong in relation to this because it is such a significant issue that strikes at the heart of the secrecy of this government, as my colleagues have indicated by way of interjection and contribution to the debate. The critical question unanswered in all this, although there are a number of critical questions, is why on earth for seven months did the Rann government seek to keep all this a secret? If it had not been for the Liberal Party in the House of Assembly, raising the issue by way of question, it would never have seen the light of day. Let us bear that in mind.

If the Rann government had been allowed to continue—and the Rann government in this case is the Premier, the Deputy Premier and the Attorney-General—with its chosen course of action, this would never have surfaced. They had made a deliberate decision to keep this whole issue secret. That is the difference in relation to this issue, and it raises some interesting questions in relation to the Premier's own ministerial code of conduct for himself and the Deputy Premier. I advise members to look at that code of conduct and look at the issues in relation to openness and accountability. I refer members to that, and I will not go into those issues in detail here. The Premier and senior ministers deliberately chose a course of action to keep this secret, but they got caught.

The Hon. T.G. Cameron: Including Paul Holloway.

The Hon. R.I. LUCAS: The Hon. Mr Cameron says including the Hon. Mr Holloway; indeed, that is the case. If it had not been for those questions in mid-2003 in the House of Assembly by the Liberal Party, this issue would have been secret. None of it would have been referred to the Crown Solicitor, the police or the DPP, resulting in court action. One would assume that Randall Ashbourne would only have been reprimanded rather than sacked. The Leader of the Government still has refused to indicate why—if one believes his story—Randall Ashbourne was reprimanded in November 2002. He has kept that secret. He refuses to explain—if you believe his story—why Randall Ashbourne was ever reprimanded in November 2002. Indeed, if you believe the Leader of the Government's story, why was he sacked in the middle of 2003? If you believe the Leader of the Government's story—and the Hon. Mr Xenophon, perhaps, has more expertise in this area than I—what is the nature of the significant pay-out that might be ensuing for Mr Ashbourne as a result of the actions of this government, this Premier and the Treasurer in relation to these issues?

There are three critical issues in relation to the structure of the inquiry: first, there needs to be agreed terms of reference, as is covered by the Hon. Sandra Kanck's motion; secondly, it needs to be a public inquiry for the reasons that I have outlined, and the Hon. Mr Xenophon and others have outlined as well; and, thirdly, there needs to be appropriate protection for witnesses to be able to tell the truth at this inquiry. That is the critical issue that has not been canvassed in too much detail, yet it is covered by the phrasing of this motion, that is, 'All the powers of the royal commission'. The Hon. Mr Xenophon referred earlier to what is the difference between royal commission powers and the powers of the inquiry conducted by Mr Clayton.

I refer the Hon. Mr Xenophon to the provisions of the Royal Commissions Act, and to look at the issues there that relate to appropriate protection for witnesses to be able to tell the truth in front of an inquiry. We have appropriate protection for people to be able to tell the truth at the McGee inquiry and, as a result of having that protection and, as a result of it being public, we have a number of people who have come forward, and who have been able to tell the truth, to get the facts and to expose the problems and the wrongdoing, if it exists in relation to particular issues, and that will be a determination for the royal commission. That is what we need in relation to this inquiry.

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: The Leader of the Government is being very cute again in relation to why Mr Clark and others, perhaps, have so far not given evidence. Without going into all of the details, let us just make sure that all witnesses—whether it be Mr Clark, Mr De Laine, staff, ministerial advisers and others—have appropriate protection so that they can tell the truth and reveal the facts of this royal commission—or inquiry with the powers of a royal commission—and so that we can get to the truth of the issues involved. That is what this government, and particularly the Leader of the Government, does not want. This government is the most secretive government that this state has ever seen, and the shadow attorney-general has outlined (and I will not go into the details again) the reasons why that statement is true. This government has form on secrecy and non-accountability, and this is just another example of trying to sweep issues under the carpet. The other issue and, again, we have seen it by way of interjection by the Leader of the Government in this place this afternoon—

Members interjecting:

The PRESIDENT: Order! Members on my right will come to order.

The Hon. R.I. LUCAS: The government, led by the Leader of the Government in this chamber today, by way of interjection, has been spin-doctoring already in relation to the inquiry. One has only to look at the transcripts from last week with Matthew Abraham and David Bevan, and various other references in newspaper articles in the past few days where the government is saying, 'This inquiry needs to be looking

at the reasons why the DPP went ahead with this inquiry.' There is a spin being put about by this government that is anti DPP and the office of the DPP—

The Hon. P. Holloway interjecting:

The Hon. R.I. LUCAS: I hope the Hon. Mr Holloway's interjections are on the record. He said in the council this afternoon, 'Why did the DPP go-ahead?' The clear inference was that it should not have gone ahead in relation to this case. That is the spin that the government and its advisers—

The Hon. P. HOLLOWAY: Mr President, I rise on a point of order. The point of order is that the Leader of the Opposition is breaching the standing orders in terms of restricting his comments to the matters in hand. Whether or not the government is involved in spin is not a matter of debate.

The Hon. T.G. Cameron: What standing order?

The Hon. P. HOLLOWAY: Standing order 457, under which this motion is being introduced.

The PRESIDENT: Order! It is actually standing order 186 which relates to relevance. The honourable member is moving about but—

Members interjecting:

The PRESIDENT: Order! The honourable member should come back to the subject matter of the standing order that was quoted by the Leader of the Government.

The Hon. R.I. LUCAS: In concluding, one remaining issue has to be explored through the Rann government corruption inquiry. It is an issue which has been touched on briefly by my colleague the Hon. Robert Lawson (and I think the Hon. Mr Xenophon might have referred to it as well) and which was touched on by Alex Kennedy in her column in *The Independent Weekly* this week. The particular issue, as addressed in *The Independent Weekly*, is not the issue that needs to be considered—and I think the Hon. Mr Xenophon referred to issues of ministerial advisers being involved in party-related issues. Put simply, the point is that a particular issue which has a personal financial benefit to a minister unrelated to his ministerial portfolio was being sought to be resolved through the actions of paid ministerial staff. This is not a party-related matter—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: The Hon. Mr Xenophon says that he was referring to what the Hon. Mr Lawson said, and both of them were referring to what *The Independent Weekly* said. With the greatest respect to *The Independent Weekly*, I think it missed the point in relation to this issue. The point is not whether or not Mr Ashbourne was involved in discussions in relation to party matters because, indeed, this government would not exist if its staffers and advisers were not involved in party matters. One only has to go through the ministerial staff lists to see that the ranking orders—

The PRESIDENT: Order! I draw the leader's attention to standing order 186. I have asked him a number of times to confine his remarks.

The Hon. R.I. LUCAS: I am not going down that path. The point I am making is that that is not the criticism from some of us—they are party-related issues. The criticism is that here you have a private legal action between the Attorney-General and someone else—in this case Mr Clarke—which has nothing to do with his ministerial office and where there is a private personal financial benefit to the Attorney-General if this legal action does not continue, and in that case you have the most senior adviser to the Premier (and possibly others) involving themselves in taxpayer-funded time on this issue. It is not the issue of the party-related matter: it is the issue of a personal financial benefit to the Attorney-General of this state. That is the one of the issues that needs to be explored in relation to the ministerial code of conduct.

Again I refer the Hon. Mr Xenophon and other members to the ministerial code of conduct and the provisions relating to appropriate behaviour for ministers in relation to personal financial benefit and appropriate standards of behaviour. Certainly, on my reading of the ministerial code of conduct, minister Atkinson should be sacked immediately not only for the other issues in relation to misleading the house but also regarding that particular issue. Nevertheless, that is only my personal view, but it is an issue at which an independent public inquiry ought to be looking. There are many issues. I will not go through all the ones which the Hon. Mr Lawson has highlighted.

I have highlighted a number of others that need to be explored by an independent public inquiry which is not looking just at this specific issue of whether or not one officer committed an act of corruption and abuse of public office—and that has been determined, as members have indicated. There are literally dozens of other issues that strike at the very heart of this government, and that is why this Liberal Party will be supporting the establishment of a Rann government corruption inquiry—one which is public; which has appropriate powers to protect witnesses so that they can tell the truth; and which has agreed terms of reference.

The Hon. T.G. CAMERON: I rise to support the motion moved by the Hon. Sandra Kanck. The longer one sits here and listens to the debate on this issue, the more convinced one becomes that the motion is correct for a whole host of reasons. It has been interesting to note that the only speaker, so far, except for the odd interjection, against the Hon. Sandra Kanck's motion has been the leader of the council himself. Mr President, as you have constantly ruled, interjections are out of order and, therefore, should not be taken into account. It is interesting to note that not one member of the government so far has risen to their feet to support their leader on this case, apart from the odd interjection.

I do not know too much about what the government members are thinking about this motion. I can only restrict my comments to what the Hon. Paul Holloway is saying. I think he is missing the point. The point is not whether or not the court erred in finding Randall Ashbourne innocent of corruption. It is not about that at all. It is about a range of other factors. The Leader of the Opposition adequately covered most of those matters.

I was particularly interested in what the opposition leader had to say about the role of a whole host of people in this matter. I will run through some of those names again. As members would know, I was once a member of a party to which Ralph Clarke belonged and to which the Hon. Michael Atkinson still belongs. It would be entirely inappropriate in this place to go into any of the comments that both those individuals have made to me at various times about the court case that was ongoing between them. They both were very anxious—

The PRESIDENT: Order! I draw the Hon. Mr Cameron's attention to standing order 185, as I had to do with the leader a couple of times. You are debating that the council requires the Rann government to conduct the Ashbourne, Clarke and Atkinson inquiry as a public inquiry with all the powers of a royal commission and upon terms of reference agreed by both houses of parliament. You are not to enter into debate,

past history or personal opinion but, rather, speak to the motion as moved by the Hon. Mrs Kanck. Any divergence from that is in breach of standing order 185. I ask you to take that into account when you are making your remarks.

The Hon. T.G. CAMERON: Mr President, that is what I intend to do—as I indicated previously—but I will go into it further. In forming my decision about this matter, I found it useful to hear the comments made by the Leader of the Opposition about some of the players in this matter. I would hope that you, sir, in your role as President would not seek to restrict me in any way from making comment about individuals who are members of your own party. The comments made by the Leader of the Opposition that I found useful other members who have not yet spoken in this debate might also find useful.

I reiterate again that the Hon. Paul Holloway—I cannot say the government because we have only heard from him—is missing the point. This is not a royal commission or an inquiry into whether or not Randall Ashbourne is guilty of corruption. It is an inquiry into the entire affair. I have a chronology of all the events. I should not have thought it would be necessary for me to read into the transcript the reasons why I intend to support the opposition.

I hope, as I read in some of the reasons as to why I am supporting the Hon. Sandra Kanck, that I will not be silenced. Will we have an inquiry? Of course we will. Will it be a public inquiry? I believe that there should be a full, open and public inquiry—perhaps a royal commission—where all witnesses (and I do not think we yet know who all those witnesses will be if we can get an inquiry) are protected or have immunity from public prosecution. Who knows? I might end up being a witness. Certainly, I would not be unless I was guaranteed absolute immunity from prosecution.

It goes to the very core of what constitutes an open, honest and accountable inquiry. Honesty, openness, transparency—no, we do not need any barracking from you, Mr President, from the sidelines. I do not need your support on this one. I am more than capable of handling this myself. We often hear, particularly from the Premier, the words 'honesty, openness, transparency, accountability, ministerial code of conduct, etc.', yet any examination of every action of the role of the Premier and other senior members of this government on this matter so far indicates that they have taken what options were available to them at the time—because, in any matter like this, you reach a point where you have two or three options.

You could go this way or that way. However, when one looks at the chronology and the limited evidence that has been made available one comes to the inescapable conclusion that the government, at every twist and turn of this affair so far, made a decision to try to keep this matter a secret, to cover up as much as possible and to release as little evidence as possible. One would have thought that if we were to have a ministerial code of conduct which ministers (including the leader of this council) kept to, why would they not have an open inquiry?

One could be forgiven for thinking that, perhaps, they know more than what the public and this council knows and they are attempting to keep it quiet. To be a little more specific, again, this is not an inquiry. The terms of reference are not about Randall Ashbourne: it is about the role of this government, including the Premier, the Attorney-General and the Deputy Premier. It will also include an examination of the role that the leader of the council in this parliament played in this tawdry affair—what role he played as a member of the leadership group. It will be very interesting to know what he knew and what he did not know. If the Premier was playing true to form, he would have kept the leader of this council in the dark as much as possible, but these matters do need to be examined. In addition to that, Mr Premier—Mr President—

Members interjecting:

The Hon. T.G. CAMERON: I am sorry; that was not a freudian insult, whatsoever. I apologise and withdraw for referring to you in that way. Apart from the many matters that one could raise in here, particularly in relation to the conflicts regarding certain statements that have been made, I am particularly interested in what happened on 4 December 2002. I am more particularly interested in what happened on 20 December.

On 4 December the Premier sent to the Auditor-General material which I think was confirmed in a news release by the Hon. Kevin Foley. The Auditor-General wrote back to say that the action taken was appropriate to address all of the issues raised. I find this sequence of events very strange indeed. We have no idea what material was sent to the Auditor-General—none whatsoever. To the best of my knowledge, nobody has a clue about what the Auditor-General actually reviewed; what material was provided to him; whether there were statutory declarations by George Karzis or Cressida Wall; whether there were any statements from the Attorney-General; or whether perhaps Ralph Clarke had made a few affidavits and supplied material to the government. We just do not know.

What I find even more curious is the Auditor-General's response dated 20 December 2002. As just one member of this council, I can recall the Auditor-General spending half a million dollars on a detailed inquiry as a result of a resolution that was moved in this council about a flower farm. I do not think anybody would have given a damn whether it had conducted the inquiry or not, but out came the fact that nearly half a million dollars had been spent investigating that. When one considers that the Auditor-General subsequently refused to answer questions about his office which were asked by a member of this council, and when one looks at his reply, which I would like to read into the record, Mr President, if you do not rule me out of order—

The Hon. P. HOLLOWAY: On a point of order, Mr President, this is an outrageous abuse of standing orders.

The PRESIDENT: Order! Standing order 185 is being abused on this occasion. I asked the Hon. Mr Cameron to confine his remarks to the motion and not the hysterical, reckless and personal opinions that he may have about the actions of the Auditor-General. What he should be debating is whether there ought to be the inquiry as proposed by the Hon. Mrs Kanck or the inquiry proposed by the Hon. Mr Foley. I think we ought to get back to that particular motion. Some members are wandering far and wide, and most of it is wide of the motion. I ask the honourable member to come back to the motion. He should confine his remarks to why he believes this sort of commission of inquiry is superior to the inquiry being proposed elsewhere.

The Hon. T.G. CAMERON: That is exactly what I am intending to do.

The Hon. A.J. REDFORD: On a point of order, Mr President, my understanding of what the Hon. Terry Cameron is saying is that issues relating to the Auditor-General and the way in which the Auditor-General investigated—

The PRESIDENT: What is the point of order?

The Hon. A.J. REDFORD: I am just saying, if you will allow me to finish, Mr President—

The PRESIDENT: What standing order has been breached?

The Hon. A.J. REDFORD: I am saying that standing order 185 has not been breached. Let me explain.

The PRESIDENT: No. You need to tell me which one is being breached. What is your point of order?

The Hon. A.J. REDFORD: All I am saying is that what the Hon. Terry Cameron is saying is that the issues relating to the Auditor-General are relevant to this inquiry and that the terms of reference ought to be drafted so that those issues are incorporated into this inquiry. There is nothing wrong with that.

The PRESIDENT: Order! I ask the honourable member to resume his seat. I explained at the start of proceedings today, bearing in mind that this could be a contentious issue, that we are dealing with matters which are the subject of a suspension of standing orders and that where there is a suspension there is a strict line of protocol to be followed and that we should debate the matter that is before the council. The matter before the council is the matter suggested by the Hon. Mrs Kanck. Most members have tried their best to stay within the confines of that. Standing order 185 provides:

> No member shall digress from the subject matter of the question under discussion, or anticipate debate on any matter which appears on the *Notice Paper*.

Standing order 186 states:

> The President may call attention to the conduct of a member who persists in continued irrelevance, prolixity, or tedious repetition, and may direct such member to discontinue speaking and to be seated. The member so directed shall not be again heard during the same debate.

I have asked honourable members to stick to the question and be relevant, and the relevance is the motion moved by the Hon. Mrs Kanck. I have raised the matter with the Hon. Mr Cameron. He attempted to comply with standing order 185. He has strayed off again at the moment, and I have drawn it to his attention. I remind him of the contents of standing order 186. I have raised the matter twice, and I do not want to have to raise it a third time.

The Hon. T.G. CAMERON: Thank you, Mr President. I am attempting, in debating this issue, to refer to the matters that I believe should be part of the terms of reference and which should be covered by them. That is one of the reasons why I thought we stood in this place and debated issues of this nature, particularly—

The PRESIDENT: We are not debating the terms of reference. This is not a debate about the terms of reference.

The Hon. T.G. CAMERON: Am I able to continue, Mr President?

The PRESIDENT: You are justifying your position by the terms of reference. The terms of reference clearly on this motion are determined by both houses of parliament. It is a separate question altogether.

The Hon. T.G. CAMERON: But is this not a debate about whether or not the member—

The PRESIDENT: It is a debate about whether the council requires the Rann government to conduct the Ashbourne, Clarke and Atkinson inquiry as a public inquiry with the powers of a royal commission on terms of reference agreed to by both houses of parliament.

The Hon. T.G. CAMERON: Is that not what I am speaking about now?

The PRESIDENT: No, you spoke about—

The Hon. T.G. CAMERON: One of the reasons, Mr President—

The PRESIDENT: —the personality of the Auditor-General, and what he said on any particular day has nothing to do with the terms of reference or any other matter in respect of this particular motion.

The Hon. T.G. CAMERON: That may or may not be the case, and I respect your right to rule that way, sir. But, as an ordinary member of this Legislative Council, I have the right to get up here and debate the motion that is before the council.

The PRESIDENT: In accordance with the standing orders.

The Hon. T.G. CAMERON: Of course, in accordance with the standing orders, and I have the same right as every other member of this council to try to persuade others to my view. So far, we have not heard from five members of the government, many members of the opposition, and one member of the Australian Democrats; and, in particular, we have not heard from the Independent member on my right. One of the reasons I am on my feet supporting the Hon. Sandra Kanck's motion is the concerns that I have about the role of the Premier and what information was sent to the Auditor-General, and the reply that the Auditor-General made. How anyone can argue that the statement of the Auditor-General that 'In my opinion the action that you have taken with respect to this matter is appropriate to redress all of the issues that have arisen' is not an integral and intrinsic part of a debate taking place in this council about the resolution that stands before us is beyond me. If you, Mr President, attempt to rule me out of order on that basis, I would have no alternative but to dissent from your ruling. I do not have anything more to say about the Auditor-General except—

The PRESIDENT: There is no dissent from my ruling under standing order 186.

The Hon. T.G. CAMERON: —his role or his part of the terms of reference. There are a couple of other matters that should be addressed, one of them being whether or not all the individuals who have information in relation to this matter have either come forward or spoken openly about the matter. The only way that any open and accountable inquiry could take place is if all those witnesses have absolute immunity from prosecution, in particular the former deputy leader of the Labor Party, Ralph Clarke. The only way he could be guaranteed that protection is if the terms of reference of this inquiry give absolute immunity to those individuals.

It may well be that Ralph Clarke advised the Crown Prosecutor's Office that he did not want to be a witness or that he would not be a helpful witness, or as a result of discussions the office had with him he felt that he could not get absolute immunity from prosecution if he was to come forward as a witness. That is one of the reasons I believe this inquiry should be supported: so that at the end of the day the truth will come out and the people of South Australia can be satisfied that all that took place in relation to this matter has been placed on the public record, that the inquiry has been open, transparent and honest and that the truth has come out. At the end of the day, that is all any of us are looking for.

The Hon. SANDRA KANCK: I note that when the Hon. Paul Holloway began his contribution he derided me for having made a short speech. I do not believe making long speeches necessarily ensures content, nor does a speech attacking the mover of the motion ensure that that speech has quality attached to it. The minister raised the issue of the Clayton inquiry and of wanting things to be done the same

way, and the Hon. Mr Xenophon asked questions about that. My understanding of what happened with the Clayton inquiry is that it did not have the right to compel people to attend, and the consequence was that legislation then had to be passed by both houses of parliament to ensure that happened. So in a sense we had to have a second inquiry because the government of the day did not get it right by having an inquiry that was not along the terms I have been talking about today.

What I am surprised at in Mr Holloway's comments is that he considers a matter of accountability—a matter that goes right to the heart of executive government—unimportant. He said that other things we have to deal with on the *Notice Paper* are much more important than a matter of government accountability. I do not think you can have something much more important than government accountability. How extraordinary it is that, when we are trying to get to the heart of a matter that was handled in secret, the government compounds the error by foolishly voting against this chamber's desire to even debate it, and then the minister adds insult to injury by arguing against this motion—a motion for openness.

If this government has nothing to hide, as the Hon. Mr Holloway is saying, then it has nothing to fear from this motion. Therefore, it should simply not be opposing it. What my motion does is require the government to conduct the Ashbourne, Clarke and Atkinson inquiry openly, to give it the powers of a royal commission so that people such as Ralph Clarke can be compelled to attend if they are not willing to come of their own volition, and with terms of reference agreed to by both houses of parliament. It is that easy. Randall Ashbourne has been acquitted: this government has not.

Motion carried.

SITTINGS AND BUSINESS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That questions without notice be postponed until after the business of the day has been concluded.

The council divided on the motion:

AYES (5)

Gago, G. E.	Gazzola, J.
Holloway, P. (teller)	Sneath, R. K.
Zollo, C.	

NOES (14)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Gilfillan, I.
Kanck, S. M.	Lawson, R. D.
Lensink, J. M. A.	Lucas, R. I. (teller)
Reynolds, K.	Ridgway, D. W.
Schaefer, C. V.	Stefani, J. F.
Stephens, T. J.	Xenophon, N.

PAIR

Roberts, T. G.	Redford, A. J.

Majority of 9 for the noes.

Motion thus negatived.

QUESTION TIME

SUPERANNUATION

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the acting treasurer a question about unfunded superannuation.

Leave granted.

The Hon. R.I. LUCAS: Over the past four years, the budget papers have highlighted a very significant increase in the state's unfunded superannuation liabilities. The state's unfunded superannuation liabilities in the last year of the former Liberal government were $3.2 billion. The most recent budget papers indicate that, as at 30 June 2005, the state's unfunded superannuation liabilities will have more than doubled in just four years to $6.56 billion. The budget papers do highlight in part an explanation for that, and that is a changed classification policy as claimed by the government in relation to the valuing of the extent of the unfunded superannuation liability for the state. The reference in 2004-05 is that the liability is expected to rise again as a consequence of a fall in the government bond rate to 5.3 per cent. My questions to the acting treasurer are:

1. Can Treasury provide answers to the question as to the extent of the increase in the unfunded superannuation liability from $5.6 billion to $6.5 billion in the past 12 months? How much of that increase is due to the claim that the bond rate has changed to 5.3 per cent? How much is due to other factors? Can the acting treasurer or the Treasury throw light on what those other factors are?

2. Similarly, can the acting treasurer or Treasury explain, for the difference between $3.2 billion and $6.5 billion, what part of that increase in the unfunded liability does the government claim is due to the changed classification policy, and how much is due to other issues? Again, can they indicate the other factors that have led to the significant increase in the unfunded superannuation liability over the past four years?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): What we have seen today is an unprecedented abuse of the standing orders of this council.

The Hon. A.J. REDFORD: Mr President, I rise on a point of order.

The PRESIDENT: What is the point of order?

The Hon. A.J. REDFORD: Relevance.

The Hon. P. HOLLOWAY: I am about to explain why, and I will tell the honourable member the relevance. We have seen an outrageous abuse of the conventions of this parliament and—

The Hon. A.J. REDFORD: I rise on the same point of order, Mr President, namely, relevance. This is absolutely irrelevant to the question or the answer.

The Hon. P. HOLLOWAY: —therefore, in the public interest and in accordance with standing order 111—

Members interjecting:

The PRESIDENT: Order!

The Hon. A.J. REDFORD: I am on my feet, Mr President.

The Hon. P. HOLLOWAY: —and in the interests of this parliament, I refuse to answer this question.

The Hon. A.J. REDFORD: Sit down!

Members interjecting:

The PRESIDENT: Order! The minister is entitled to answer the question in the manner he deems fit, unless he is debating the issue, and he may possibly be doing so.

The Hon. P. HOLLOWAY: I was explaining my reason for using standing order 111, which states:

A Minister of the Crown may, on the ground of public interest, decline to answer a Question. . .

I refuse to answer this question, and I refuse to take it on notice, as I will deal with every other question in question time in order that the conventions of this parliament may be upheld. It is quite unprecedented and outrageous. We have

just had two hours given to an urgent motion. This is the only way the government can make a protest, and it will do so.

The PRESIDENT: The minister is now debating. He needs to say that he will not answer the question or that he will answer it in this form, and he can answer it any form he likes, but he must either answer it or not answer it.

FINES ENFORCEMENT UNIT

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government, representing the Attorney-General, a question about the fines enforcement unit.

Members interjecting:

The PRESIDENT: Order! Members on my left will come to order. The Hon. Mr Lawson has the call.

The Hon. R.D. LAWSON: I am seeking leave, Mr President.

Leave granted.

The Hon. R.D. LAWSON: It was reported in the last issue of the *Sunday Mail* that a certain Mr Brenton Willoughby has run up parking fines in the Adelaide City Council area of over $100 000, of which, according to the report, some $38 855 remains payable. The article states that the court's fines payment unit has revealed that other offenders currently owe parking fines of $34 934, $32 800, $31 000, $27 000 and $25 425. The article states:

> The unit is currently owed $3 420 954 in parking fines handed out by councils across SA—of which some $1 186 000 comprised the original fines. . .

Members will recall that in March 2000 a new system of fines enforcement came into operation in this state, and that scheme applies to all forms of fines, traffic infringements, criminal offences, regulatory offences and local government offences. The essence of the new scheme was not only the abolition of imprisonment for the non-payment of fines but also new sanctions against fine defaulters. One sanction was preventing defaulters from renewing driver's licences or motor vehicle registrations; another was the clamping of wheels. A brochure issued by the unit also points to the fact that it has the power to seize property or immobilise a defaulter's motor vehicle. Members will also remember that more recently it was reported that persons who failed to pay expiation notices for failing to vote at a state election were caught by the scheme. My questions are:

1. Will the minister confirm the facts as stated in the *Sunday Mail* article concerning Mr Willoughby and other substantial fine defaulters?

2. Does responsibility for the apparent delay in collecting fines lie with the local government authorities, or with the fines payment unit?

3. What action can be taken to address substantial fine defaulters?

4. Are there any particular reasons why the defaulter, Mr Willoughby, and other defaulters mentioned in the article have not been forced to pay fines in a timely way, or why they have not been prevented from continuing to abuse our parking regulations?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): In accordance with standing order 111, I refuse to answer the question or take it on notice.

UNITED FIREFIGHTERS UNION

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Emergency Services a question about industrial disputation.

Leave granted.

The Hon. A.J. REDFORD: Over the past few months, the United Firefighters Union has been involved in an industrial dispute with the Metropolitan Fire Service. Since 14 April 2005, the UFU has undertaken 'protected industrial action'. In an email to members dated 14 April 2005, the Secretary of the UFU said:

> I have had a conversation with Michael Wright, the IR minister. . . and will be meeting with him and new minister Zollo next week to drive home the issue of us being dicked around by the bureaucrats.

The bans included a banning of all report writing by firefighters and officers, including the Commcen staff, bans on all promotion activities and bans on certain drills after 6 p.m. or on weekends.

He also accused the SAMFS (and I assume those responsible for negotiations) of failing to 'even attempt to negotiate in good faith'. It is disappointing that this government was part of a process that could be described as bad faith. I now understand that the dispute is settled, or is very close to settlement. My questions are:

1. What was being claimed by the firefighters, what was originally offered, and what is now the agreed figure?

2. How long did the bans go for and were they extended at all?

3. What impact will the pay increases have on the budget?

4. Did any fire officer receive any loss of pay as a consequence of the bans?

5. Will officers now write up reports that did not occur as a consequence of the UFU bans?

6. Which bureaucrats were the ones Mr Morris Harrison referred to as 'dicking' the issue around?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): In accordance with standing order 111, I will not be answering the question or taking it on notice.

The Hon. A.J. REDFORD: I rise on a point of order, Mr President.

The Hon. R.D. LAWSON: I also rise on a point of order, sir.

The Hon. A.J. REDFORD: I have a supplementary question, Mr President—

The PRESIDENT: I am finding it very difficult to get a supplementary question out of no answer.

The Hon. A.J. REDFORD: —arising out of the answer. What is the public interest in the minister's refusing to answer this particular question?

The PRESIDENT: The minister can either answer or explain, or she can choose not to do so.

The Hon. A.J. REDFORD: I have a further supplementary, Mr President.

The PRESIDENT: Well, there was no answer this time.

The Hon. A.J. REDFORD: No; further to not answering the question. Given that the minister has refused to answer the question as to what is in the public interest, am I and the rest of this chamber to take it that this government cannot find—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I have a point of order, Mr President. The Hon. Angus Redford obviously does not have a point of order, and I ask that he be sat down.

The Hon. R.D. LAWSON: I rise on a point of order, Mr President.

The PRESIDENT: Order! There is a point of order from Mr Lawson. There is no point of order with respect to the other two points of order.

The Hon. R.D. LAWSON: Mr President, I ask that you rule in relation to the reliance upon standing order 111, which, as the minister said, provides:

> A minister of the Crown may, on the ground of public interest, decline to answer a question;

My understanding of this standing order is that a minister, in times of war, might choose not to answer some question because the public interest dictates that that question be not answered. It is my understanding also—

Members interjecting:

The PRESIDENT: Order, the Hon. Mr Sneath, the Hon. Ms Gago and the Hon. Ms Kanck!

The Hon. R.D. LAWSON: —Mr President, that a minister may, on the ground of public interest—for example, commercial confidentiality, or some other reason of trade secret or the like—decline under this standing order to respond to a question. The ruling I seek from you, Mr President—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Lawson has the call.

The Hon. R.D. LAWSON: Will you rule, Mr President, that it is incumbent upon a minister taking this point to identify the particular public interest upon which it relies?

Members interjecting:

The PRESIDENT: Order! What I have witnessed today is hardly a love-in but it is not a war. My understanding is clear that it is the minister's call: that a minister of the Crown may, on the ground of public interest, decline to answer the question. The minister says that it is in the public interest that he not answer and that is his decision, unfortunately.

Members interjecting:

The PRESIDENT: Order! Honourable members will come to order.

The Hon. R.I. LUCAS: I rise on a point of order. Sir, are you ruling that this minister can, for the rest of this parliamentary session, refuse to answer any questions or refer any questions to other ministers on the grounds of standing order 111? If you are, as President, so ruling then there will be no further question times under this parliament and no minister will ever again be accountable in this parliament through question time. That would, indeed, be your ruling.

The PRESIDENT: It may well be your opinion but it may not necessarily be the fact.

The Hon. P. Holloway interjecting:

The PRESIDENT: Order, minister! This is clearly a question for the minister. He has decided that in his view, whether he be right or wrong, a minister of the Crown may decline to answer on the ground of public interest.

Members interjecting:

The PRESIDENT: When the honourable minister rose to his feet he clearly stated that, in line with standing order 111, he believed he was not going to answer the question on the ground of public interest, etc. He has, therefore, made his decision. This is very dangerous ground, for all of us and for all ministers in future, that these precedents are being set. However, I cannot tell the minister how to answer a question; he has to make the decision in accordance with the standing order, which gives him the latitude to do it. I do not know how long he will continue.

INDIGENOUS AFFAIRS

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking (in hope) the Minister for Industry and Trade, representing the Premier, a question about his relationship with Senator Amanda Vanstone.

Leave granted.

The Hon. KATE REYNOLDS: On 23 February this year the Minister for Indigenous Affairs, Senator Amanda Vanstone, informed the National Press Club that 'a quiet revolution' was under way in indigenous affairs. She said:

> Make no mistake, we are not alone. . . On more occasions and in more places than you might expect, the Australian Government and a state or territory government are walking hand-in-hand.

On 1 April this year Senator Vanstone, federal health minister Tony Abbott and our own South Australian Premier Mike Rann issued a joint media release—and I am sure that all honourable members can picture them now, walking hand-in-hand-in-hand. The media release celebrated the establishment of a new peak regional forum known as TKP, which is aimed at improving living conditions on the APY lands. TKP, they said, 'signals our two governments' determination to tackle these problems head on—and to tackle them together.'

On 5 May, the Premier informed the house that the state and commonwealth governments were working together to ensure that a coordinator would be in place on the APY lands by the end of June. The Premier said:

> I had a meeting with Amanda Vanstone. We thought that it was ideal to have a coordinator who coordinated on behalf of both federal and state governments. . .

The Premier went on to 'commend the federal Liberal minister for aboriginal affairs for her excellent cooperation in this regard'. A month later, on 7 June, under the banner Third Pool for APY Lands, the Premier and Senator Vanstone together announced that TKP had approved the location for a third swimming pool on the APY lands. Their joint announcement stated:

> Premier Rann and minister Vanstone have agreed that partnerships and coordination between the two governments and communities is the only way to make a real difference. The parties will continue to work together, supporting the local priorities of remote indigenous communities.

However, the joint announcements and happy relationship do not stop there. Strong rumour has it that Premier Rann and minister Vanstone are scheduled to make another joint announcement later this week. Yesterday, the federal council of the Liberal Party resolved to call on the government to reform the Native Title Act to make it 'more timely and user-friendly for local governments, pastoralists and miners'. My questions to the Premier are:

1. Why was the last meeting of TKP, held in Adelaide on 2 May, attended by six commonwealth representatives plus two commonwealth observers, but only two state representatives?

2. When will the state government ensure that it has equal representation with the commonwealth at all future TKP meetings?

3. Given that the Department for Families and Communities has joint responsibility on the APY lands for at least six major programs, will the Premier immediately take the

necessary steps to ensure that a representative from the department is a full and permanent member of TKP?

4. Will the Premier advise the council of the date of the meeting with Senator Vanstone to which he referred when addressing the other place on 5 May?

5. Will the Premier provide the council with an explanation as to how his state Labor government's policies differ from those of the federal Liberal government in respect of aboriginal affairs and reconciliation?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I suggest that the honourable member place her questions on the *Notice Paper*.

The Hon. KATE REYNOLDS: Mr President, I seek your explanation. Could you please explain what the minister means?

The PRESIDENT: The minister requests that you put the questions on notice.

Members interjecting:

The PRESIDENT: Order! I call the Hon. Mr Cameron.

RAIL, LEVEL CROSSINGS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, questions about train line crossing safety.

Leave granted.

The Hon. P. Holloway interjecting:

The Hon. T.G. CAMERON: When the Leader of the Government has stopped throwing a fit, and he is listening, I will continue. A recent Guardian Messenger carried an article highlighting the dangers of pedestrian rail crossings. The article recounted two incidents in which two young men tragically lost their lives to city-bound trains at the Hove railway station after waiting for south-bound trains to pass before stepping onto the crossing. According to the article, pedestrian crossings in Brisbane, Sydney and Melbourne all have gates which lock, and which will not unlock, until all the trains have passed. I understand that Transport SA is currently installing automated boom gates at the pedestrian crossing at Park Terrace, Salisbury—another problem crossing. The gates will stop pedestrians from reaching the track while a train is passing or approaching. I am also aware that the government has just launched a train awareness safety program—a move that is to be applauded. My questions to the minister are:

1. How many people have been killed or injured at suburban train line crossings since the government was elected in 2002?

2. Has the government undertaken any recent safety audits of suburban train line crossings? If so, how many are considered to be of a standard that is potentially dangerous?

3. Considering that the government has just committed $51 million to extend the Glenelg tramline to the Adelaide railway station, will the government now find the money to introduce the safety gate system to South Australia in order to protect the public?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will take the question on notice, and I will endeavour to get an answer for him as soon as possible.

The Hon. A.J. REDFORD: I have a supplementary question: why is the saving of people's lives not in the public interest?

An honourable member interjecting:

The PRESIDENT: No, it is not. He did not give an answer. He asked to put it on notice.

K&S CORPORATION

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before I ask the Minister for Industry and Trade a question, which is of immense public interest, about small businesses leaving Mount Gambier.

Leave granted.

The Hon. D.W. RIDGWAY: Recently I became aware that the trucking company, K&S Corporation, has flagged the possibility of moving its headquarters from Mount Gambier because of dissatisfaction with the state government.

The Hon. R.K. Sneath: He does it every year.

The Hon. D.W. RIDGWAY: The Hon. Bob Sneath interjects, 'He does it every year.' The Hon. Bob Sneath knows that this is a very serious comment. The company, majority-owned by Alan Scott, has launched a $17 million rights issue to raise money for a planned freight hub in the South-West of Melbourne. Managing director, Legh Winser, says:

> With 80 percent of the business focused on the eastern seaboard, and with little support, the company may look to shift.

He went on to say:

> There is not a lot of incentive to stay in South Australia. The government is certainly not supportive of those industries in South Australia, so it is a possibility to move east.

My questions are:

1. What is the government doing to support key industries such as this one in Mount Gambier?

2. Has the member for Mount Gambier made any representation to the government to support this business and keep it in Mount Gambier, and jobs for South-East South Australians?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I suggest that the honourable member ask the question tomorrow, or place it on notice.

The Hon. D.W. Ridgway: Is the minister indicating that he will answer questions tomorrow?

The Hon. P. HOLLOWAY: That depends; you spent two hours in an unprecedented way. It has not been done before—you look up the parliamentary records. This has not been done before. It is always done in lieu of question time.

The Hon. Sandra Kanck: Have standing orders never been suspended?

The Hon. P. HOLLOWAY: Not for these purposes. It is a matter of urgency, and it has not been done before, Sandra—not to have a two-hour debate on a matter of urgency. Any time that this has been done in the past, it has always been done in lieu of question time, and you know it. If you do not, you do not know any history—but John, you should know it better than most.

The Hon. D.W. Ridgway: Is the Minister going to answer the question?

The Hon. P. HOLLOWAY: You ask it tomorrow and I will answer it.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I have not got myself in a hole. You are the one who has got yourself in a hole.

An honourable member interjecting:

The Hon. P. HOLLOWAY: You turned this into a farce; let's finish it. We have 38 minutes to go of this farce. I am not embarrassed. You are the one that should be embarrassed. You have set the precedent.

The PRESIDENT: Order! Minister for Industry and Trade, are you not answering the supplementary question either?

TELEPHONE REFERRALS

The Hon. J.M.A. LENSINK: I seek leave to make a brief explanation before asking the non-answering Minister for Industry and Trade a question on the subject of telephone referrals.

Leave granted.

The Hon. J.M.A. LENSINK: There was a bit of a stuff-up in the current version of the White Pages—which Sensis tells me occurred in Premier and Cabinet, while Premier and Cabinet assures me that a mistake was not made—that is, the advertising of my telephone number in the government section of the White Pages. The minister may recognise the number next to my name, which is 8303 2500. As much as I might like to have a ministerial office under the current situation, that is the minister's number.

I have received a couple of complaints from constituents who tried to contact me last week in particular and who dialled that number, having looked it up in the phone book. They asked to speak to either me or my personal assistant. The staff have been either reluctant or unaware of the fact that such a member of parliament exists, and therefore will not refer my telephone number. I am hampered by this, because anyone who looks up my phone number in the telephone book cannot get through to me. Will the minister direct his staff to provide my correct telephone number—that is, 8237 9434—to all his staff so that I can do my job as a member of the Legislative Council?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I suggest the honourable member write a letter on it or put a question on notice.

Members interjecting:

The PRESIDENT: Order!

DUCK HUNTING

The Hon. SANDRA KANCK: I seek leave to make a brief explanation before asking the somewhat dumb Minister for Industry and Trade, representing the Minister for Environment and Conservation—

The Hon. R.I. Lucas interjecting:

The Hon. SANDRA KANCK: No, he speaks sometimes—a question about departmental advice on duck hunting.

The PRESIDENT: No imputations, opinions or hypothetical cases should be made during the explanation of questions.

Leave granted.

The Hon. SANDRA KANCK: In March this year, the Minister for Environment and Conservation made a decision to allow duck hunting at Bool Lagoon, then reversed his position a short time later. I have subsequently sought and obtained documents regarding the scientific basis for the original approved decision. Those documents reveal that, in December last year, the wildlife advisory committee wrote to the minister advising him that it strongly agreed with a departmental briefing that Bool Lagoon not be opened for the 2005 season. Then, on 17 February 2005, Mr Allan Holmes, the chief executive of the department, sent a minute to the minister which reveals: first, that the minister met with representatives of the hunting organisations on 8 February; and, secondly, that Allan Holmes had:

> reviewed the advice by the department and discussed with our scientific advisers the risks associated with opening the game reserve. . . A limited opening with active departmental management would be acceptable from a conservation perspective.

Mr Holmes then recommended two options to the minister: first, to open Bool Lagoon for a limited amount of time; and, secondly, not to open it for 2005.

On 21 February, the minister signed off on the first option and on 6 March he signed off on the wording for insertion in the government *Gazette* to allow this to happen. A minute dated 11 March 2005 to the minister from Anne Harvey, who was then acting chief executive of the department, advised that Bool Lagoon should not be opened in March/April 2005, specifically because breeding by waterbirds was continuing. Presumably, the minister took notice of that advice and revoked his earlier decision. My questions are:

1. Given that the minister met with representatives of hunting organisations, did the minister seek to meet with anyone from environment organisations to determine whether they too believed that the killing of birds from 'a conservation perspective' would be acceptable? If not, why not?

2. At the time of signing off to allow the hunting season to proceed at Bool Lagoon, did the minister provide the information from the hunting organisations to the wildlife advisory committee for its response?

3. Who were the scientific advisers that Mr Holmes spoke with? Were they different from the expert people in the department who recommended against the opening of Bool Lagoon? If so, what was the scientific basis on which they recommended to Mr Holmes that the season should proceed? If they recommended against it, why did Mr Holmes make the recommendations to the minister that he did?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): If the honourable member thought the question was so important, perhaps she should have followed the conventions of this parliament for 150 years, and, in suspending standing orders, have done so in lieu of question time. That has been the precedent for 150 years. I suggest the honourable member place the question on notice or ask it tomorrow.

SOUTHERN SUBURBS, INFRASTRUCTURE

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about southern suburbs infrastructure.

Leave granted.

The Hon. T.J. STEPHENS: In answer to a question I asked recently in relation to southern suburbs infrastructure, the minister said:

> If we were to allow the urban sprawl to continue, that will put significant pressure on existing infrastructure.

Also, in response to an interjection recorded in *Hansard* about there being nothing for the south, the minister replied that 'there is plenty' for the south. My questions are:

1. Given the minister's comments regarding urban sprawl, does the minister now intend to not allow further land releases in the southern suburbs, particularly in Seaford and other sequence 1 areas where the draft southern metropolitan PAR acknowledges that there are significant infrastructure pressures?

2. In relation to his comments indicating that the south receives 'plenty', will the minister provide to the council a

list of all infrastructure projects and funding that has been provided to the area covered by the Office of the Southern Suburbs?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): I suggest the honourable member either place his question on notice or ask it tomorrow.

The Hon. A.J. REDFORD: I have a supplementary question. Am I to assume by the minister's failure to answer the question that there are no initiatives for the area outlined by the Hon. Terry Stephens?

The Hon. P. HOLLOWAY: I suggest the honourable member place his supplementary question on notice or ask it tomorrow, so he might find out.

The Hon. A.J. REDFORD: I have another supplementary question. Will the minister nominate just one government initiative that took place in the southern area, in particular in the area bounded by Bright?

The Hon. P. HOLLOWAY: As I said, if the honourable member cares to place his question on notice, I will look at it. Of course, he could ask the question tomorrow, in accordance with the conventions of this council, which is the way it would happen; because for 150 years, whenever standing orders have been suspended in this parliament, it has always been done in lieu of question time. Unless I take a stance on this—

The Hon. A.J. REDFORD: I rise on point of order, sir. We have heard this before. It is repetitious and tedious. I ask you to bring the leader back to order.

The PRESIDENT: I think the minister has concluded his answer.

COUNCIL FOR INTERNATIONAL TRADE AND COMMERCE OF SOUTH AUSTRALIA

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about funding arrangements for CITCSA.

Leave granted.

The Hon. J.F. STEFANI: A number of the members of the Council for International Trade and Commerce of South Australia Incorporated have expressed concern to me that the funding arrangements previously provided for the operation of this organisation have been changed by the Rann government. My questions are:

1. Will the minister advise the council what are the new arrangements that he has authorised on behalf of the government to continue the operation of CITCSA?

2. Does the minister acknowledge that the various contributions made by the various chambers of commerce and industry, which are members of CITCSA, play an important role in expanding export trade from South Australia to other countries?

3. Will the minister provide the council with details of the funding which will be provided to CITCSA for the year 2005-06?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I suggest the honourable member place his question on notice or ask it tomorrow. Alternatively, I covered this matter in estimates last week and there will be an answer in *Hansard*.

The Hon. J.F. STEFANI: I have a supplementary question. Does the minister read *Hansard*, and will that do for the questions that I asked today?

The Hon. P. HOLLOWAY: The precedent in this council for 150 years has been that, whenever matters of urgency have been taken, question time has been suspended. I will uphold the principles of the council. If I have to use this method for doing it, I will—but I am upholding the principle of this council. Liberal wreckers have been here ever since they blocked supply. If you look through the constitutional history of Australia, members of the Liberal Party are wreckers. What is shameful is that the Democrats have been complicit in this today by breaking conventions that have protected the political system in this country for 150 years. Well, I will protect it by this device if I have to.

The PRESIDENT: Order! The minister is debating questions that have not been asked.

The Hon. A.J. REDFORD: As a supplementary question, given that we never get answers to questions, does the minister agree that this stunt is completely pointless?

The Hon. P. HOLLOWAY: What is pointless is the Hon. Angus Redford's presence here. We look forward to his ending his political career next March. Certainly, we will not have to see him here, but I do not think we will see him anywhere.

PARLIAMENTARY PROCEDURE

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Leader of the Government a question about parliamentary procedure.

Leave granted.

The Hon. R.D. LAWSON: The leader has just indicated—to use his words—that he is upholding the conventions of this council. I refer the leader to *Erskine May's Parliamentary Practice*, which provides the only examples upon which a minister can refuse to answer a question on the ground of public interest. They are as follows:

1. Questions relating between ministers or between ministers and their official advisers or the proceedings of cabinet or cabinet committees;
2. Security matters, including the operation of security services;
3. Operational defence matters, including the location of particular units;
4. The details of arms sales to particular countries;
5. In addition to such classes of questions there are certain matters which, by their nature, are secret—

Members interjecting:

The PRESIDENT: Order!

The Hon. R.D. LAWSON: —questions relating to the secret services and to security.

Given that the leading authority on parliamentary practice indicates that they are the grounds of public interest upon which a minister can refuse to answer a question, will the minister indicate upon which of those matters indicated in Erskine May he is relying in refusing to answer questions of the opposition or other parties today; or, if he is not relying on any of the accepted conventional grounds for refusal, what is the basis of his refusal?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I already gave that answer earlier: it is, indeed, convention. Here we have a convention of parliament. It is the behaviour that parties adopt, because experience has shown that that is the way to behave. What has happened within parliaments is that we have learnt that, whenever

matters of urgency are brought on, as happened today—a two-hour debate on a political issue, and that is fine—

The Hon. J.S.L. Dawkins interjecting:

The Hon. P. HOLLOWAY: It was 1¾hours, was it? It does not matter. The precedent has been set. The convention that exists is that those standing orders are suspended in lieu of question time; and in the past that has always been the case. The Hon. Robert Lawson moved a matter of urgency some time back, and he did so, quite properly I must say, in lieu of question time. That has always been the way it has happened in this council for 150 years. That is the precedent. I believe that, in the public interest, that convention prevails, and the only option open to me in government is to use my rights under standing order 111. The opposition today has created a new precedent. It has broken a convention. Whenever you break a convention in politics—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —there will always be a response. There has to be a response; and, in this case, that is my response.

The Hon. J.S.L. DAWKINS: I rise on a point of order, Mr President. It is not my belief that the President has broken any conventions.

The PRESIDENT: I suggest that a couple of rules are being broken here. People on my left have been screaming for the minister to answer and now they will not let him answer.

The Hon. P. HOLLOWAY: I will conclude by making the point that there has been a convention in this parliament. If conventions are broken, inevitably the government must respond. The only way to respond to this convention under the standing orders is to make the point that 150 years' experience have shown that, yes, there will be occasions when opposition and minor parties need to raise issues of public importance. That will come up; but, when they do so, it should be in lieu of question time. It is completely unfair and it breaches all convention to do what is being done today, and that is why I have taken the action that I have. Hopefully, this situation will not arise again.

If members opposite wish to raise important matters again, that is fine, but, as has been the case for 150 years, they should not do so in question time. I hope members opposite will rethink their action; otherwise, this government has no option other than to retaliate in the way that it has to ensure that that convention is adhered to.

Members interjecting:

The PRESIDENT: Order! I do not know that the breaking of two conventions creates another good convention.

WESTERN GREY KANGAROOS

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Agriculture, Food and Fisheries a question about western grey kangaroos.

Leave granted.

The PRESIDENT: Hop into it.

The Hon. CAROLINE SCHAEFER: I have been informed by a number of constituents in the Far West region that western grey kangaroos have multiplied to such an extent that current numbers are unsustainable and immediate culling is necessary.

The Hon. R.K. Sneath interjecting:

The Hon. CAROLINE SCHAEFER: As the convention has been set, I will not bother to answer Mr Sneath today. The people in the region have been asking since August last year for an assessment of numbers, but that has not yet taken place. Property owners have applied for non-commercial—

Members interjecting:

The PRESIDENT: Order!

The Hon. CAROLINE SCHAEFER: I seek your protection, Mr President.

The PRESIDENT: The Hon. Ms Schaefer is entitled to some protection.

The Hon. CAROLINE SCHAEFER: Property owners have applied for non-commercial destruction licences. However, the requisite for that is that the carcasses be left to rot. This then impinges on the government's own fox baiting program because there are plentiful sources of food for foxes. I have been advised that no commercial permits have been issued in this region for some time. My questions are: why have no commercial permits been issued and, more importantly, why has no assessment of grey kangaroo numbers taken place; and when will the minister take action on this matter?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): This question needs to be put on the *Notice Paper* because it is obviously for my colleague the Minister for Agriculture, Food and Fisheries.

MURRAY AND MALLEE LOCAL GOVERNMENT ASSOCIATION

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about the Murray and Mallee Local Government Association's Strategic Plan.

Leave granted.

The Hon. J.S.L. DAWKINS: The Murray and Mallee Local Government Association recently released its strategic plan for 2005-08 in response to the state government's own strategic plan. I will quote extracts from the foreword of this document, as follows:

> The Murray and Mallee Local Government Association's Strategic Plan is our own longer term statement of direction. It shows how we intend responding to the vision outlined by Government as we continue to develop our own regional communities. From where we sit in the Murray Mallee, some of these targets have already been met by the community, some of them more relevant than others and some are completely beyond our scope. But a great deal is within our reach—moreover, these targets would ultimately make improvements to what we call our 'triple bottom line' improvements in the Murray Mallee's environmental, economic and social standing.
>
> This Strategic Plan is a statement of direction to achieve a progressive, resourceful and harmonious community that is working together to shape a sustainable future. The purpose of this document is fourfold: first, to outline the Murray and Mallee Local Government Association's Plan as a local answer to the wider State Plan; secondly, to demonstrate how the Murray and Mallee Local Government Association is responding to the specific challenges that are common to other parts of South Australia, but also those that are unique to the Murray and Mallee region; thirdly, to outline strategies, and within each, to show what will be done and what targets and indicators will measure our success; and, fourthly, to demonstrate a readiness and willingness to work further with organisations outside the Murray and Mallee region, both government and private, at the local, State and Federal levels.

My questions are:

1. Is the minister aware of the Murray and Mallee Local Government Association's strategic plan?

2. Is it the minister's intention to respond to the association's plan?

The Hon. P. HOLLOWAY (Minister for Urban Development and Planning): As I have indicated, I ask the

honourable member to either place the question on notice or ask it tomorrow.

The PRESIDENT: The Hon. Ms Reynolds has the call.

The Hon. KATE REYNOLDS: I thank you for the offer, sir, but, no. In my view, the business of question time is far too serious to be subjected to these worse-than-usual childish games.

STAR FRIES FACTORY

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about a factory in Mount Gambier.

Leave granted.

The Hon. A.J. REDFORD: Last Thursday's *Border Watch* under the headline 'Factory Fried' reports:

> The state government is awaiting further advice today on the future of the $30 million new potato factory near Millicent following concerns it has been placed into voluntary receivership.

I understand that, in fact, it has been placed in voluntary receivership. The newspaper goes on to state:

> Opened with a fanfare in May last year by Premier Mike Rann, the Snuggery factory was touted as a huge investment which would significantly boost the state's exports and jobs in the South-East. The government contributed a $500 000 loan towards the construction of a world-class processing factory at a cost of $10 million and approved a lease buy-back arrangement on the building.

The article continues, and reports that the Minister for Infrastructure said that the government had received advice that the factory had gone into receivership and talked about trying to get the business going as a viable operation. The article states:

> 'I will work with trade minister Paul Holloway to assist all parties where we can', said Mr Conlon who was awaiting further advice last night.

One would hope that Mr Conlon does not insult the Hon. Paul Holloway, because he is unlikely to get any answers to any questions. My questions are:

1. Has the government failed to properly supervise the $500 000 of taxpayers' money loaned to this venture?
2. Is it the case that the Minister for Industry and Trade failed to look after taxpayers' money?
3. Has minister Conlon done any work with minister Holloway, as reported in last Thursday's *Border Watch*?
4. Does the minister believe that we will get back any of the money?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): If this question was so important, it is a pity the honourable member did not follow the conventions of the parliament. Again, I suggest he puts it on notice or asks the question tomorrow.

The Hon. R.I. LUCAS (Leader of the Opposition): I have a supplementary question. Does the minister agree that he is treating the people of the South-East, and Mount Gambier in particular, with contempt by his refusal to answer a question which is critical to growers and others in the South-East of South Australia?

The Hon. P. HOLLOWAY: No.

INFRASTRUCTURE INVESTMENT

The Hon. T.J. STEPHENS: My question is to the Leader of the Government. Can the minister think of one infrastructure project that this government has initiated and, if not, can he think of one reason this government should be re-elected next year?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): We have seen ample demonstration in today's question time why the Liberal Party of Australia cannot, will not and would not be trusted by the people of South Australia. It has breached 150 years of convention. It keeps doing it. It is floundering looking for issues. This government stands prepared to get on with the business of the day, and I suspect at the election next year that the public of South Australia will be so horrified by the sort of time-wasting issues that we have seen today that they will re-elect the Labor government with a majority so that we will not have to put up with this sort of rubbish again.

The sort of tactics used today breaching 150-year conventions are a disgrace to this parliament. It is something that the Liberal Party have tied around their necks so often. It is the party that traditionally in this country has torn up the rule book and broken conventions. Tragically, they did it again today. Ultimately, they will be judged by the people of this state, and as far as infrastructure is concerned they will be very happy with what this government is doing.

The Hon. A.J. REDFORD: By way of supplementary question, what is it about allegations of corruption that the minister believes is time wasting?

The Hon. P. HOLLOWAY: The convention that exists in this parliament is that, whenever standing orders are suspended for such matters, it is done in lieu of question time. There is no known precedent for anything other than that course happening. When the deputy leader moved a motion in the past he accepted that convention. That is what has been torn up today.

The Hon. R.I. LUCAS (Leader of the Opposition): By way of supplementary question, the minister referred to conventions of 150 years or more. Will the minister confirm that his is the first government ever to refuse pairs for a member in the Legislative Council, thereby tearing up 150 years of convention in the Legislative Council, and that he as leader has led the charge for the past three years in relation to that particular convention? Why is that convention any different from the so-called convention the Leader of the Government is now outlining?

The Hon. P. HOLLOWAY: I suggest that the Leader of the Opposition ask that question tomorrow or place it on notice.

The Hon. R.I. LUCAS: By way of supplementary question, in relation to the issue of 150 years of convention in the Legislative Council, does the minister agree that he and his government sought to tear up 150 years plus of convention in this parliament—not only in the Legislative Council—by getting rid of parliamentary privilege through the introduction of legislation during this session of the parliament, and will he say how that convention is different from the so-called convention he claims today in relation to the suspension of standing orders?

The Hon. P. HOLLOWAY: Acts of parliament are not breaches of convention. If an act of parliament or a resolution is introduced, all members can vote on it and can make their point. That is legislation that can only occur with a majority of people in all parliaments. It does not relate to what we saw today, where there was a clear breach of practice. This government is really has no alternative but to respond

strongly in kind and make that point. It is unfortunate that it is necessary to do so, but it is far more unfortunate that that convention was breached in the first place.

The Hon. J.F. STEFANI: Does the minister acknowledge that the democratic process of this chamber or the parliament itself is in the hands of the majority of members of the chamber on any particular issue?

The Hon. P. HOLLOWAY: Absolutely, but parliament functions well only when time honoured conventions are adhered to.

The Hon. R.I. Lucas: Like pairs.

The Hon. P. HOLLOWAY: Well, yes, pairs is one. I do not think that is the case. Conventions are an extremely important part of parliament. Those people who are interested in the history of democracy know full well that whenever conventions are breached there always has to be a commensurate response to ensure that the historical behaviour continues. I would hope in future that when we have motions to suspend standing orders to discuss matters—and I had no problem with discussing the matters there today: they were discussed and it is fair enough that any opposition should raise them—the convention that it has always been in lieu of question time will be followed. It is now after 5 p.m. and we have had question time following a two hour debate. It does not happen in any other parliament in the world, and it should not happen. I hope after today it will not happen again here.

The Hon. A.J. REDFORD: By way of supplementary question, will the minister point to any written evidence of this so-called or alleged convention?

The Hon. P. HOLLOWAY: For 150 years there have been a number of occasions when matters of urgency have been raised in this parliament. On all occasions when standing orders have been suspended to do that—

The Hon. R.I. Lucas: It wasn't urgent.

The Hon. P. HOLLOWAY: You said it was urgent. You are bending the rules; that is the whole point. It was an urgency motion: you said it needed to be done today. The honourable member is right in one sense: there was nothing urgent about it; that is true. However, it was an urgency motion in the sense of the word that any reasonable person would understand. There have been plenty of situations in the past when such matters have been raised. Whenever standing orders have been suspended for that length of debate, it has always been in lieu of question time. That has been the practice and it should be the practice.

The Hon. A.J. REDFORD: As a further supplementary question, given the minister's failure to point to any written evidence of this so-called convention, is there anything in the rules that would have prevented the Hon. Sandra Kanck from doing what she did?

The Hon. P. HOLLOWAY: There are plenty of things that we can do in this parliament. I can stand up and refuse to answer questions. There are plenty of things that one can do, but one does not do them because one has respect for the conventions of the council. Either you respect the conventions of the council or you do not.

The Hon. R.I. Lucas: You're being a bit childish. Now sit down.

The PRESIDENT: The whole council is starting to act in a childish manner.

The Hon. P. HOLLOWAY: I am enjoying standing up and getting some exercise. Just because nothing is written down, it does not mean that conventions do not exist. I am sure that the honourable member is well aware that there are many conventions in parliament that are not written down. One has only to look back at things such as blocking supply. Yes, you can block supply, but look what that did to this country back in 1975.

ASHBOURNE, Mr R.

The Hon. R.D. LAWSON: My questions to the Leader of the Government, representing the Attorney-General, are as follows:

1. Will the Attorney-General confirm that, after he had given evidence for the prosecution in the Randall Ashbourne trial and after Mr Ashbourne's acquittal, the Attorney accepted Mr Ashbourne's invitation to a celebratory dinner with witnesses for the defence?

2. Is it correct that, after arriving at the restaurant in Glen Osmond, the Attorney-General was staggered to see that his presence had been observed by an officer of the DPP who happened to be dining at the same restaurant?

3. Is it correct that the Attorney-General, having realised that he had been seen, called a leading journalist in this state and told him that he, the Attorney-General, happened to be at the restaurant to celebrate his birthday?

4. Does the Attorney-General agree that the appropriate course of action for any witness for the prosecution whose testimony he alleges has been misreported by the press is to communicate with the counsel who called him and allow that counsel to ensure that the record is corrected whilst the jury is out, if that is appropriate, and that the Attorney-General, in himself ringing journalists to correct reports of his evidence, did not act in accordance with the appropriate conventions?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I suggest that the honourable member place that question on notice or ask it tomorrow.

The Hon. J.F. STEFANI: As a supplementary question, can the minister confirm that the union official present at the dinner was Don Farrell?

The Hon. P. HOLLOWAY: I suggest the honourable member either place that question on notice or ask it some other time.

The Hon. R.I. LUCAS (Leader of the Opposition): My question to the Leader of the Government, representing the Attorney-General, is on the same subject. Can the Attorney-General confirm that, when other persons were invited to that 'celebratory function', to use the phrase that my colleague used, they were advised that it was a celebratory function in relation to Mr Ashbourne and they were not advised that it was a birthday celebration for the Attorney-General?

The Hon. P. HOLLOWAY: I suggest that the honourable member place that question on notice or—

Members interjecting:

The Hon. P. HOLLOWAY: I am not answering any questions today. I suggest that the honourable member either place them on notice or ask them some other day.

INDUSTRIAL RELATIONS

The Hon. T.J. STEPHENS: Does the Leader of the Government believe that the current advertising campaign being conducted by the trade union movement regarding the

proposed federal changes to industrial relations law is both futile and misleading?

The PRESIDENT: Order! The member is seeking an opinion. The question is out of order. The member will have to reframe it.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I am happy to give my opinion, and that is no.

The Hon. T.J. STEPHENS: Sir, I have a supplementary question. Does this mean that the minister will now answer questions?

The PRESIDENT: I think the member will get the same answer.

ROADS, BLANCHETOWN TO MORGAN

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, a question about the Blanchetown to Morgan road.

Leave granted.

The Hon. J.S.L. DAWKINS: The Blanchetown to Morgan road on the western side of the River Murray is one of only two arterial roads in South Australia that remain unsealed.

The Hon. Caroline Schaefer interjecting:

The Hon. J.S.L. DAWKINS: Thanks to the efforts of the previous government—I acknowledge the interjection from my colleague the Hon. Caroline Schaefer. I am aware of the efforts of residents of the Mid Murray Council area to seek priority from the government for the sealing of this route, which would complete the bitumen road link on the northern and western sides of the Murray in South Australia. Such a link would also reduce the amount of heavy traffic using the Morgan ferry. Will the minister indicate the government's response to community requests for this road to be sealed?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): As I have indicated with respect to other questions, I suggest that the honourable member places his important question on notice or else ask it tomorrow, and I would then be pleased to answer it.

REPLIES TO QUESTIONS

METROPOLITAN FIRE SERVICE

In reply to **Hon. J.S.L. DAWKINS** (13 April).

The Hon. CARMEL ZOLLO: The South Australian Metropolitan Fire Service (SAMFS) undertook to implement a pilot wellness program to improve firefighter health and fitness. The need for the program reflects the extreme dangers of structural firefighting and the physical demands placed upon SAMFS firefighters.

The SAMFS went to the market place during 2003-2004 and sought expressions of interest to deliver a pilot program for the Adelaide station. The winning proposal was costed at $22,000 for the remainder of the year. The wellness program was introduced on a voluntary basis for all staff and approximately 100 operational personnel from the Adelaide Station participated in the pilot wellness testing program.

The program was reviewed at the start of 2004-2005 and expanded to include all SAMFS metropolitan worksites, including the Angle Park Training Centre, Port Pirie Station, SAMFS recruit courses and support staff. Approximately 500 SAMFS personnel have participated in the expanded wellness program. The scope of the written contract includes equipment audit and reports, recruit fitness testing and rehabilitation assessments. This contract was for the amount of $69,100 from 13 September 2004 to 30 June 2005.

A review of the program will be undertaken in July 2005 to compare the effectiveness and cost comparison with an in-house provision for future years. A decision has not been made in relation to the 2005-2006 program.

Indications from WorkCover statistics show a significant reduction in on-site workplace injuries and associated costs as the program develops.

SCHOOLS, QUESTIONNAIRE

In reply to **Hon. KATE REYNOLDS** (11 April).

The Hon. CARMEL ZOLLO: The Minister for Education and Children's Services has provided the following information:

1. The Supplementary Enrolment Form requests information on parent education level and occupation grouping. Collection of this information was agreed by all education and training Ministers through MCEETYA in 2004.

The Supplementary Enrolment Form was provided for students who had already enrolled for the 2005 school year. It is a procedural form, not requiring Ministerial authorisation, beyond that provided by MCEETYA.

The DECS Information Privacy Statement, required to be distributed by schools with the Supplementary Enrolment form, makes it quite clear that it is not a legal requirement to provide all of the information requested in the enrolment form. Parental signature is not required on this type of procedural form.

2. The distribution of the Supplementary Enrolment Form is a once-off exercise as, in future, this information will be collected as part of the revised school enrolment form. For the once-off exercise to gather information for 2005, schools have been advised that they are able to forward all forms to state office for data entry. The cost of this exercise is expected to be approximately $5,000.

3. and 4. The data will be stored in the schools' administrative system EDSAS. Access will be strictly controlled in the same way as all other personal information held by schools and managed according to the DECS Administrative Instructions and Guidelines and the DECS Information Privacy Statement.

The Department has a range of policies and procedures to ensure the safeguarding of information relating to parents and students not only for any new enrolment information but also under existing enrolment processes.

The DECS Administrative Instructions and Guidelines outline particular protocols that schools must follow. These guidelines incorporate the Government's Information Privacy Principles and also specific advice on managing personal information about students. They also provide specific advice on the management of student records including access to and storage of personal records.

The Department's Record Management Service ensures adherence to the State Records Act 1997 and regulations when archiving agency records. The Department has a Privacy Consultancy Service through the Legislation and Legal Services Unit. This service is also available to schools and parents.

All requests for students' personal information from outside DECS are channelled through the Legislation and Legal Services Unit to ensure that the provision of information conforms to Information Privacy Principles.

5. Responses provided by parents to questions on the Supplementary Enrolment Form will be used to enable nationally comparable reporting on student outcomes in the annual National Report on Schooling in Australia. Responses from 'parental education' questions will be used to derive a student "Socioeconomic background – education indicator". Responses from the 'parental occupation group' question will be used to derive a student "Socioeconomic background – occupation indicator".

The linking of these characteristics with students' results in national assessments in priority areas of schooling will allow nationally comparable reporting on student outcomes and will guide governments in the areas of program development and performance improvement.

6. The South Australian Curriculum Standards and Accountability framework makes explicit those outcomes that all children are expected to achieve in South Australia. This information will not alter this standard or expectation.

MEDICAL BOARD OF SOUTH AUSTRALIA

In reply to **Hon. SANDRA KANCK** (11 April).

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

1. The levels of reporting from the Medical Board of South Australia in regard to the use of funds are as required by the *Medical*

Practitioners Act 1983. Section 21(1) requires the Board to *"cause proper accounts to be kept of its financial affairs"*.

The Auditor-General audits the accounts of the Medical Board annually. The audit is conducted in accordance with the requirements of the *Public Finance and Audit Act 1987* and Australian Auditing and Assurance Standards.

The Auditor-General provides an independent report, which is then incorporated into the Board's annual report. Annual reports of the Board are required to be provided to the Minister annually and be tabled in Parliament.

2. Not all costs for the symposium dinner were met by the attendees of that dinner. Guests were charged at a rate of $99.00 per head. There were also non-paying invitees of the Board, including guest speakers and their partners. Board members and several Board staff also attended.

Additional costs for the dinner included corkage (as the Board had previously arranged to supply the wine direct) and centrepieces for table settings.

Information on invoices contained in the Board's file indicates the cost of wine per bottle to be in the order of $13-$20.

Direct negotiations with suppliers meant the Board, if it purchased a certain volume, could reduce the costs which, also taking into account the corkage fee, were considerably below the venue charges. Not all of the wine was consumed at the symposium – the Board still has a small amount which has been used at other Board functions.

In keeping with all other Australian Medical Boards, the Medical Board of South Australia places significant importance on ensuring ongoing understanding of national and international standards and practices. The Board continually discusses matters relating to core business with interstate colleagues through the Australian Medical Council and Joint Medical Boards Advisory Committee arrangements.

The Board is a member of the International Association of Medical Regulatory Authorities (IAMRA), the most significant of the international regulatory associations, which holds its international conference every two years. The Board also attended meetings of the Federation of the State Medical Boards of the United States of America and the Canadian Federation of Medical Licensing Authorities conferences.

In 2000 the Manager of Registrations visited the General Medical Council in the United Kingdom to examine their review of registration processes.

Funding for all of the above has been provided from the Board's resources. Costs during the period in question are not indicative of current practice.

3. The symposium was entitled *"The Future Role of Medical Boards and Self-Regulation of the Profession"*, with a specific focus on the role and function of regulatory bodies and their interaction with the community and professions.

The symposium had a range of speakers who were experts in relevant fields. One of the guest speakers was Ms Kate Moore who, at that time, was a member of the executive committee of the Health Consumers Association of the ACT and past Executive Director of the Consumers Health Forum, the most prominent consumer health body in Australia. Ms Moore's presentation addressed consumer experiences and was entitled *"Can Self-Regulation Effectively Meet Consumer Needs"*.

There was also an open forum held as part of the symposium specifically dedicated to the role of consumers in regulatory functions. This provided the opportunity for consumers, the profession and regulatory staff to exchange views, gain an increased understanding of each other's perspectives and establish relationships between the various groups.

Such forums invite open constructive criticism of boards' processes and allow opportunity for improvement.

4. The matter does not need to be brought to the attention of the Auditor-General as the Medical Board's accounts for the financial period in question, 2000-01 have been audited.

EGG INDUSTRY

In reply to **Hon. T.G. CAMERON** (11 April).

The Hon. CARMEL ZOLLO: The Minister for Agriculture, Food and Fisheries has provided the following information:

1. The Minister met with members of the SA Farmers Federation (SAFF) and Mr James Kellaway from the Australian Egg Industry Association on the 22 November 2004 to discuss the ramifications of the decision of the Primary Industry Ministerial Council not to provide special structural adjustment assistance to egg producers as a result of the changes in the 4th Code of Practice for the Welfare of Animals - Poultry. The issue was again a topic when the Minister met with SAFF on 24 January 2005.

2. In 1992, NSW deregulated its egg industry and purchased hen quotas from producers for $15 per bird. This precipitated regulation changes in other States. No other State provided compensation at the level NSW producers received with South Australian producers receiving $3 per bird and in-kind support through the transfer of the Egg Board facilities to the producer owned cooperative. Deregulation of the industry occurred in the early 1990's and is a separate issue to the changes in hen welfare for which no States are providing special assistance. In 2000, Agricultural and Resource Management Council Australia and New Zealand accepted the new welfare code and agreed it would be operational from 2008 providing seven years for egg producers to adjust their operations to meet the changed code.

COUNTRY FIRE SERVICE

In reply to **Hon. IAN GILFILLAN** (20 September 2004).

The Hon. CARMEL ZOLLO: The Minister for Administrative Services has provided the following information:

1. The agreed coverage area for South Australian Government Radio Network comprises five overall government business regions, which equate to a geographical area of approximately 226,000 square kilometres. Ninety-five percent of the state's population live in the coverage area. The grade of coverage offered within the coverage area is at least 90 per cent and in some cases 95 per cent.

The State Radio System Ministerial Advisory Committee regularly reviews the coverage of South Australian Government Radio Network. All areas raised as a concern with the Committee have been, or are in the progress of being, addressed.

I provide the following information:

2. The CFS has, up until the introduction of the Government Radio network, used wideband VHF radio services to provide both Command & Control and Fireground Communications.

Since the introduction of the Government Radio Network, the CFS has used this network for Command & Control Communications and retained wideband VHF radio services for Fireground Communications.

In November 1991, the Federal Government issued a VHF Band Plan under Section 19 of the *Radiocommunications Act 1983* to replace existing wideband VHF radio frequency allocations with narrowband VHF allocations.

The CFS is currently replacing all wideband VHF radios used for Fireground Communications with new equipment operating on VHF narrowband channels to comply with this new VHF Band Plan.

CFS Officers met with representatives of the CFS, SES and DEH in the Riverland to address their concerns with radio communications in the area of the Bookmark Biosphere. (This area is outside the target coverage area of the Government Radio Network). Following discussions, it was agreed that existing wideband VHF services would be retained in this area for the 2004-05 Fire Season and that the CFS, in conjunction with the other affected agencies, would develop a proposal for the ongoing provision of effective communications in this area for consideration by the State Radio System Ministerial Advisory Committee chaired by Mr Jim Hullick.

3. It is inappropriate to comment on legislation currently before the Parliament and as such I am unable to comment.

In reply to the supplementary question asked by the **Hon. J.F. STEFANI**.

I provide the following information:

The only area that CFS currently intends to maintain the wideband services for is the Bookmark Biosphere.

METROPOLITAN FIRE SERVICE

In reply to **Hon. J.S.L. DAWKINS** (4 May).

The Hon. CARMEL ZOLLO: The South Australian Metropolitan Fire Service (Federal) Enterprise Agreement 2002 nominally expired on 1 January 2005.

Representatives of DAIS – Public Sector Workforce Relations and the SAMFS first met with the United Firefighters Union (UFU) on 20 January 2005 to commence the process of negotiating a new enterprise agreement.

The UFU submitted its log of claims on 10 February 2005. It was anticipated at that stage that the parties would meet again in mid-March 2005.

The anticipated meeting between the negotiating parties of mid-March was then deferred by mutual agreement between the SAMFS and the UFU, until after Easter.

The approval of the SAMFS costings by the Department of Treasury and Finance coincided with the Budget Bilaterals process which the SAMFS, the Department of Treasury and Finance and other agencies were all undertaking at this time.

Submissions were made to the Industrial Claims Coordinating Committee on 15 April 2005, the Expenditure Review and Budget Cabinet Committee on 22 April 2005 and Cabinet on 26 April 2005.

The SAMFS and DAIS – Public Sector Workforce Relations representatives have since met with the UFU on 29 April 2005, 5 May 2005, 10 May 2005 and 19 May 2005.

APIARY INDUSTRY FUND

In reply to **Hon. CAROLINE SCHAEFER** (6 April).

The Hon. CARMEL ZOLLO: The Minister for Agriculture, Food and Fisheries has provided the following information:

The Apiary Industry Fund was established in January 2001 under the *Primary Industry Funding Schemes (Apiary Industry Fund) Regulations 2001*. Contributions to the Fund are made through an annual hive levy that is paid at the time of registration renewal.

Apiarists are entitled to request a withdrawal of the preceding 12 month period's contribution. In withdrawing funds, an apiarist forgoes any future benefit provided by the Fund for two years.

The Apiary Industry Fund was established to allow industry to undertake programs of benefit to their industry. The *Primary Industry Funding Schemes Act 1998* does not restrict the use of the funds to disease control activities. Other industries have used their funds for industry development and research and development activities in addition to disease control activities. The Fund is also available to pay for any expenses incurred by an industry advisory group, for the administration of the Fund and the repayment of contributions.

The current hive levy (which is set at the greater of $2.00 or 40 cents per hive if six or more hives are registered) was approved by the South Australian Apiarists' Association (SAAA) members at their annual conference in June 1999. The Apiary Industry Advisory Group subsequently reconfirmed the levy in May 2000. No application has been received from any industry group (or from the Apiary Industry Advisory Group until it was disbanded in November 2003) to reduce or repeal the 40 cent hive levy. Consequently contribution to the levy is still a requirement.

Since the Fund was established, it has contributed:

- around $12,000 towards the employment of a second Apiary Inspector to assist in disease control activities between 2002-03 and 2003-04;
- under $1,000 for the management of sentinel hives located at Outer Harbour for the early detection of exotic bee pests/species;
- under $2,000 towards an industry survey in April 2004 to identify the key issues facing industry over the next five years.

The Apiary Industry Fund has just over $165,000, with an annual income of about $25,000 per annum from hive levies.

Minimal use of Apiary Industry Fund monies has occurred since the disbandment of the Apiary Industry Advisory Group – the major outgoings representing auditing costs of the Fund and the repayment of contributions.

It is understood that the beekeeping industry (through the SAAA, SA Farmers Federation and the Amateur Beekeepers Society of SA) has given in principle support for the development of a South Australian Beekeeping Industry Strategic Plan (including the future use of the Fund). It is possible that a submission for the release of monies to assist this project (which is due to be completed before the end of the year) will be forthcoming shortly.

Extensive efforts have been made to keep industry informed about Apiary Program activities through reports presented at industry group meetings.

POLICE CHECKS

In reply to **Hon. A.L. EVANS** (6 April).

The Hon. CARMEL ZOLLO: The Minister for Education and Children's Services has provided the following information:

The Minister for Education and Children's Services released a Discussion Paper in November 2004 introducing a licensing regime for Out of School Hours Care (OSHC) services that would include regulatory requirements for the criminal history checks for all OSHC staff and volunteers. Following strong support expressed by all consulted, the legislation is currently being drafted.

In reply to supplementary question asked by **Hon. KATE REYNOLDS**.

The Minister for Education and Children's Services has provided the following information:

The proposed legislative framework currently being drafted, for OSHC services in South Australia encompasses all OSHC programs including, before and after school programs and vacation care services.

In reply to supplementary question asked by **Hon. J.M.A. LENSINK**.

The Minister for Education and Children's Services has provided the following information:

The Chief Executive of the Department of Education and Children's Services (DECS) wrote to the three South Australian universities and Tabor Adelaide advising them of requirements for criminal history checks for student teachers and other university personnel on 28 July 2004. The Chief Executives of the Association of Independent Schools SA and Catholic Education South Australia sent similar advice to the tertiary providers at this time. The tertiary institutions began advising their students of the requirement for criminal history checks in early November 2004 and issued successive reminders to their students from mid January 2005.

In reply to supplementary question asked by **Hon. J.F. STEFANI**.

The Minister for Education and Children's Services has provided the following information:

All registered teachers including those working in ethnic language schools will be included in the criminal history checks being undertaken through the Teachers Registration Board of South Australia. The Ethnic Schools Board will determine processes for the screening of other teachers in Ethnic Language Schools who are not registered through the Teachers Registration Board in the immediate future.

TOBACCO PRODUCTS

In reply to **Hon. NICK XENOPHON** (7 April).

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

1. The South Australian Tobacco Products Regulations Act 1997 provides similar powers to the Tasmanian legislation making it possible to place graphic warnings where cigarettes are publicly displayed and sold under Section 87 (2)(f) of the Act. This measure will be considered as part of the process of pursuing national consistency in relation to point-of-sale displays.

2. The banning of tobacco displays is one of several options being considered as part of the process of achieving national consistency. In November 2004, the Minister for Health took the issue to the Ministerial Council on Drugs Strategy (MCDS) meeting and proposed a model of point of sale legislation be developed for national adoption by jurisdictions. The model was to include minimum standards and more restrictive options for future implementation. The matter was discussed again at the MCDS meeting of 19 May 2005, following a report on current and proposed jurisdictional benchmarks for point-of-sale outlets.

3. Since October 2004, the Department of Health has been working with Quit SA and the Tobacco Control Research and Evaluation Unit to finalise the details of a Nicotine Replacement Trial. The Australian Government has agreed to fund the evaluation component. The proposal is almost complete and the Minister anticipates announcing the start of the project this financial year.

MOTOR VEHICLES, YOUNG DRIVERS

In reply to **Hon. J. GAZZOLA** (7 April).

The Hon. CARMEL ZOLLO: The 2004-05 budget for the Road Accident and Awareness Prevention Program is $150,000. This figure includes the cost of setting up the program.

The South Australian Metropolitan Fire Service (SAMFS) intends to establish the Road Accident and Awareness Prevention Program as an ongoing program in order to provide its important

road safety message to the new year 11 students who become eligible to drive each year.

The SAMFS Road Accident and Awareness Prevention Program is based on a similar program developed by the Queensland Fire and Rescue Service, which included advice from a Queensland psychiatrist. The Queensland program has been independently evaluated and no changes have been made to their program. Before the program commenced in South Australia, the SAMFS had the program vetted by a registered psychologist, Dr Denise Keenan and was also supported by Professor Sandy McFarlane (Psychiatrist) and by Dr Bill Griggs (Director of Trauma at the Royal Adelaide Hospital).

As the program is new in South Australia, data on the program's outcomes is still being developed. The SAMFS is in the process of evaluating the program, however, early feedback has shown that it has a positive effect on the students.

While the program is named after the Road Accident and Awareness Prevention Program or RAAP, the term "road crash" is used in the presentation to students.

During the evaluation of the program, it is anticipated that the appropriateness of the terms road accident or road crash will be considered, to ensure messages are consistent with other related safety programs.

TRUANCY

In reply to **Hon. A.L. EVANS** (7 April).

The Hon. CARMEL ZOLLO: Minister for Education and Children's Services has provided the following information:

The Government currently does not plan to increase the maximum penalty that is currently prescribed in this matter.

The strategies described by the Honourable Member in his question are examples of successful initiatives that have been implemented by schools to improve student attendance.

In all of these instances the Government's priority has been to develop a community-based approach to reducing truancy. Reasons for students being absent from school are varied and usually the issues are related to more than just the school setting.

Prosecution of parents or carers is currently provided for within the Education Act. The Government's policies in this area are focussed on supportive intervention processes with parents and carers of non-attending students, with prosecution and fining as a last resort pursued, when parents or care-givers repeatedly refuse to engage their children in education.

In reply to the supplementary question asked by **Hon. KATE REYNOLDS**.

The Minister for Education and Children's Services has provided the following information:

The SMS messaging used by some schools is one of a range of strategies available to reduce non-attendance. The decision to implement the SMS text messaging program to contact parents/carers of a student who is absent from school without explanation is up to each individual school as part of its overall strategy to reduce absenteeism.

This decision takes into account local community issues, including the availability of mobile phone coverage, as well as the cost of implementation and on-going operation of the process.

Where digital mobile phone coverage is unreliable there is usually a service provided by Code-Division Multiple Access (CDMA) phone technology.

INDIGENOUS FIREFIGHTERS

In reply to **Hon. J.S.L. DAWKINS** (5 May).

The Hon. CARMEL ZOLLO: The aim of the South Australian Metropolitan Fire Service (SAMFS) Pilot Indigenous Pre-Employment Program is to provide opportunities, knowledge and skills for people from an indigenous background to:

- apply for employment at the SAMFS and other government agencies;
- gain an understanding of the working environment of agencies; and
- gain employment.

The benefits of participating in and arising from considering membership of the Country Fire Service, as well as any other voluntary organisations to be found within their local community, have been brought to the attention of the participants in the program.

RURAL ADDRESSES

In reply to **Hon J.S.L. DAWKINS** (4 April).

The Hon. CARMEL ZOLLO: In 2003, the Government convened the Premier's Bushfire Summit to identify issues and recommend solutions for bushfire problems experienced in South Australia. One of the recommendations of the Summit was to "endorse the development of a standard rural property addressing system for rural properties across the State.

In September 2003, Standards Australia launched the National Street Addressing Standard. The Standard was developed under the guidance of the Intergovernmental Committee on Surveying and Mapping. One component of the Standard deals with addressing rural properties.

In August 2004, the Department for Administrative and Information Services (DAIS) were tasked with leading the project and has established a Steering Group comprising State and Local Government representatives. The key objectives of the Steering Group are to oversee the development of a Cabinet Submission recommending options for the adoption and implementation of the Standard across the State.

The Steering Group recently completed a project scoping and fact-finding exercise based on experiences interstate when implementing the new Standard. The Steering Group has also undertaken a process of communication with all key stakeholders and a pilot study in a local council area in the Riverland to discover all the issues related to an implementation plan.

There is currently no standard identifier and system for determining the location of the estimated 50,000 rural properties in South Australia. Identifiers used in sectors of the rural community include the section and hundred number, plan parcel number, valuation number, homestead or property name, verbal description and the Rural Areas Property Identification Directory (RAPID) number, based on a map grid reference. None of these identifiers are widely available and easily understood by the general public.

Under the new Standard, a rural address will take the same form as an urban address. The key advantage is that the system is well understood by the wider community. There are three core elements of the rural address (property number, road name and rural locality name).

The Standard has determined that property numbers are based on a distance (metres/10, odds on left, evens on right) along a rural road from the start of the road to the access point of a property. It is a requirement that all formed roads must be named. A number of councils have named their rural roads, however there is a significant amount of work required to complete whole of state coverage. South Australia is well served in that locality names and boundaries have been determined for the State.

The DAIS Steering Group is currently preparing a detailed Cabinet Submission setting out options for the adoption and implementation of the Standard across the State over the next 2-3 years. It is anticipated this submission will be completed in the next month or so.

This Government is committed to consulting with the key stakeholders for all such projects. Indeed, Local Government and all key agencies affected by this project already have representatives on the Steering Group.

The rural community is the primary beneficiary of the rural property addressing project and, as such, Local Government is, and will continue to be, a key player in the process of implementing the Standard across the State.

Benefits of the new Standard include:

- A simple, nationally consistent rural address that is linked to property location.
- Enhanced rural public safety through the improved response to emergency situations on rural properties, potentially resulting in saving lives and property.
- Faster, more efficient response to disaster recovery.
- Improved service provision to rural properties through the ability for service providers to easily locate rural properties.
- Improved services and service quality from Local Government, power, gas and telephone utilities.
- Improved government administration for electoral, census, and other purposes.
- Property visitors will quickly locate the property.

The recent Eyre Peninsula bushfire has highlighted the difficulties in providing post disaster support to rural residents and the need for a competent rural addressing system that clearly links location and people. This initiative is seen as a high priority.

While a detailed Cabinet Submission is currently being prepared, there are still some details being negotiated concerning the process of funding the implementation of the new Standard. Clearly Local Government has a large part to play in the actual implementation of the Standard and this Government wants to ensure the funding model is correct and agreed to by all the key parties.

Once agreed, implementation is likely to take the form of a phased process with full implementation taking approximately 2-3 years.

POSTGRADUATE MEDICAL COUNCIL OF SOUTH AUSTRALIA

In reply to **Hon. SANDRA KANCK** (14 April).

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

1. Professor Brennan, the consultant who carried out the review of the Postgraduate Medical Council of South Australia (PMCSA), referred to a looming financial crisis in his report but the term was not part of either the Medical Board's or the PMCSA's submission to the review.

However, the PMCSA agrees that it will not be able to continue to operate at its current level of expenditure on existing projects as they are no longer sustainable, having grown substantially since their inception. Although many of these activities are valuable, they are now considered beyond the requirements of the legislation governing the Medical Board.

The Department of Health will be discussing these matters with interested parties.

2. The following table lists details the expenditure of the PMCSA for 2001-02 and 2003-04.

Postgraduate Medical Council of South Australia

Income	2004 $	2003 $	2002 $	Note
Commonwealth Grants	111607	88927	182000	Note 1
Dept Human Services	248182	218182	203626	
Other Grants	28505	0	0	
Medical Board	60000	65000	65000	
CPMEC	28	25710	12696	
Interest	7741	9181	9805	
Total Income	456063	407000	473127	
Expenditure				
Administration				
Telephone and Internet	10574	10622	8854	
Cleaning	2514	2904	2754	
Maintenance	0	125	7	
Rates, Electricity, etc	3738	2609	1594	
Rent	31065	29147	25894	Note 2
Impaired Doctor	0	0	11	
Computer Services	11603	8965	2050	Note 3
Contracts/Services	9629	430	669	Note 4
AMC Training Expenses	14284	9916	0	
Stationary	0	3625	3561	
Printing	17536	3891	309	Note 5
Office Supplies	566	2344	0	
Taxis	5454	3601	1351	
Advertisements	0	3859	0	Note 6
Petty Cash	2283	0	0	
Conferences	83834	16618	22577	Note 7
Postage	2175	1484	1886	
Sub total	195255	100140	71517	
Salaries and Related Expenses				
Salaries Administration	250998	190104	127266	Note 8
WorkCover	1663	700	720	
Super Administration	30901	22992	14103	
Honoraria	20000	20000	0	
Salary Project Officer	0	0	1400	
Salary Project Officer	0	0	1600	
Sub total	303562	233796	145089	
Other Related Expenses				
CPMEC	2500	3319	5009	
Accreditation	3773	750	1295	
Project Manager	0	23474	2600	Note 9
Project Officers	0	1358	20060	Note 10
Project WCH	12506	0	0	
Project Community Terms	74832	18335	0	

Project FMC		72727	72727	0
Miscellaneous		-5000	2000	
Sundries		6958	3066	1791
Sub total		168296	125029	54155
Total Expenditure		667113	458965	270761
Surplus/Deficit		-211050	-51965	202366

Salaries and Related Expenses

Ref	Year	Comment
Note 1	2003	Reduction in funding for projects from Commonwealth Community Terms Funds held over. Funds spent 2004 as their were no JMO's
Note 2	2003	Rent increase as per rental agreement
Note 3	2003	Introduction of Website and Networking computer systems
	2004	Website maintenance
Note 4	2004	Services of Contract Finance Accountant & Project Officer
Note 5	2003	Introduction of Newsletter
	2004	"Need for Care" Booklet printed and Publications of overseas trained Doctor workshop
Note 6	2003	Recruitment of project officers
Note 7	2004	Refer to spreadsheet
Note 8	2002	3 Full Time equivalent Staff
	2003	5 Staff (1 @ FTE, 1 @0.5FTE, 1 @0.4FTE, 2 @0.6FTE)
	2004	5 Staff (2 @FTE, 1 @0.5FTE, 1 @0.25FTE, 1 @0.8FTE)
Note 9	2002	Project Manager salary paid in 2004 as Salaries Admin Need to add $26k to Note 8 for equivalent staff requirements
	2003	Project Manager salary paid in 2004 as salaries admin need to add $20k to Note 8 for equivalent staff requirements
Note 10	2002	Project Officers salary paid in 2004 as salaries admin Need to add $23k to Note 8 for equivalent staff requirements
	2003	Project Officers salary paid in 2004 as salaries admin need to add $1k to Note 8 for equivalent staff requirements

EYRE PENINSULA BUSHFIRES

In reply to **Hon J.F. STEFANI** (4 May).

The Hon. CARMEL ZOLLO: As the terms of the contract with Dr Smith to conduct an independent review of the circumstances surrounding the Eyre Peninsula bushfire were presented to Cabinet in a submission, and were discussed in Cabinet, the principles of Cabinet confidentiality apply. Therefore, the contract will not be tabled once it has been finalised.

HOSPITALS, ARDROSSAN

In reply to **Hon. A.L. EVANS** (12 April).

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

1. The Government has allocated an emergency payment of $50,000 to assist the Ardrossan Community Hospital to maintain services whilst a consultancy is undertaken to identify a sustainable business model for the future. The Board of the Hospital has also had confirmation that the State is prepared to meet the actual ongoing cost of providing an appropriate Accident and Emergency service in Ardrossan.

2. The Commonwealth Government is responsible for the provision of aged care. Present difficulties are a result of the Commonwealth's decision not to fund extra aged care licences, as the business plan was predicated on obtaining those additional bed licences. The development of community based services to support aged care requires the cooperation of Government, the Board and the community working together to achieve sustainable and appropriately targeted health services.

3. Accident & Emergency services are currently provided to the central & northern areas of Yorke Peninsula through services at Maitland and Wallaroo. Attendances and the complexity of cases received are monitored to ensure that the services meet and reflect the need of local residents.

METROPOLITAN FIRE SERVICE

In reply to **Hon. J.S.L. DAWKINS** (11 April).

The Hon. CARMEL ZOLLO: The South Australian Metropolitan Fire Service (SAMFS) has divided its Country Operations into four Regions, each with a Regional Manager. These Regional Managers are based in Mount Gambier, Renmark, Whyalla and Adelaide (supporting the Mid North Region).

Regional Managers are not referred to by rank, but are referred to by their job title or description, which is 'Regional Manager

When initially established, the SAMFS employed substantive Station Officers to fill the positions of Regional Managers. Since that time, the position has evolved significantly with a greatly increased range of roles, functions and responsibilities including, but not limited, to the provision of expertise in the areas of Command and Control, Community Safety advice, Planning, Community Liaison, Staff Training, Media Relations, Recruitment and Risk Assessment. These positions are unique and do not equate to any that currently exist in the Metropolitan Operations area at either the Station Officer or District Officer rank.

A recent independent analysis of the roles, functions and responsibilities of the Regional Managers determined that remuneration in line with the District Officer pay scale was more appropriate. A decision was therefore made by the Chief Officer to remunerate them at that rate and the incumbents' positions were reclassified.

Accordingly, two of the four current Regional Managers are substantive District Officers while the other two are in acting positions at that level. In future, all potential Regional Manager candidates will be drawn from the District Officer rank.

Regional Managers regularly undertake training that is job specific in addition to any training courses that are conducted for all SAMFS Officers.

AMBULANCE STATIONS

In reply to **Hon. T.J. STEPHENS** (11 April).

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

The Government has never refused to build an ambulance station at McLaren Vale, nor has the Ambulance Board made such a request.

The previous Government created an expectation that an emergency ambulance crew would operate from McLaren Vale but did not provide the funding necessary to sustain its operation. The Ambulance Board had always indicated that it could fund the construction of an ambulance station but additional recurrent funding would be necessary for personnel and equipment.

An independent report tabled in August 2003 had a key recommendation for South Australian Ambulance Service (SAAS) to complete a review of its state-wide service plan, including the model of service delivery. It is anticipated the service plan will recommend changes to the way resources are deployed and will address any gaps in service delivery, including at McLaren Vale. The ambulance service has determined that the outcome of the new service delivery model should guide the future deployment of resources.

A strategic asset management plan is being developed and will provide a transparent framework to determine priorities for capital expenditure on SAAS properties, including renovations, maintenance and the development of new stations.

MENTAL HEALTH

In reply to **Hon. KATE REYNOLDS** (7 April).

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

1. The Government is confident that once an immigration detainee enters South Australian specialist mental health services they receive the same level of care as other mental health consumers.

Mental health services available on site within Baxter Detention Centre are contracted by the Department of Immigration, Multicultural and Indigenous Affairs (DIMIA) through the detention services provider Global Solutions Limited (GSL), to International Health and Medical Services (IHMS), who contract the provision of psychiatric, psychological, and general practitioner services from Professional Support Services (PSS).

DIMIA is responsible for approving immigration detainees' access to state specialist mental health services. At all times, the duty of care for immigration detainees rests with DIMIA.

2. The Government is committed to the development of a Memorandum of Understanding (MOU) with DIMIA. The Department of Health has put a large amount of time and effort into the development of the MOU, which it hopes will be finalised shortly.

3. Work commenced on the MOU between DIMIA and the Department of Health (DH) for the provision of health services in early 2004, but was put on hold whilst the Mental Health Unit of DH, DIMIA and all other stakeholders negotiated the Specialist Mental Health Care Protocols. In November 2004, the Mental Health Unit provided a draft protocol, developed in conjunction with both Government and non-government service providers, to DIMIA. All parties including DIMIA have agreed to this protocol.

4. The Department is doing everything practicable to have the MOU finalised as soon as possible. It is being finalised as a matter of priority and is subject to agreement with the Commonwealth, followed by signature from both Governments.

COUNTRY FIRE SERVICE MAPPING PROJECT

In reply to **Hon J.F. STEFANI** (6 April).

In reply to **Hon. J.S.L. DAWKINS** (6 April).

The Hon. CARMEL ZOLLO: As previously advised, the map books have been developed specifically for use by the Country Fire Service (CFS). It is apparent, however, that they are of further benefit to other emergency services, community groups/organisations, and the public. All the books produced to date have been distributed to the CFS and other emergency services. In the majority of cases, other emergency services have purchased them direct from the CFS.

These books are available at a number of retail outlets, but the CFS, through its regional offices and headquarters in the city, can provide the mapping books. Local councils are encouraged to utilise these books, along with those communities outside the council areas, as they are an easy-to-use standard mapping product, which can benefit the whole community. I have been advised that these books are being utilised by stock agents and other organisations who work and travel across the State as they provide an easy to use tool for travelling and locating areas of interest from the South East to the Southern Flinders.

Once the full series of eight map books are completed, they will cover from the West Coast to the South East. Six have already been released, and the Eyre Peninsula is due for release later this year. The mapping book for the West Coast is not due for release until 2007.

AMBULANCE SERVICE

In reply to **Hon. IAN GILFILLAN** (13 April).

The Hon. CARMEL ZOLLO: The Minister for Health has provided the following information:

1. From 1 January 2004 to 31 December 2004, the South Australian Ambulance Service (SAAS) processed 256 new volunteer recruits. This is almost double the number of recruits enrolled over the previous three years.

Despite this increase, SAAS having identified sustainability of the volunteer workforce as a high level risk for the organisation, is working on a project targeting regional services to increase the level of support for volunteers in terms of training, administration and management.

2. In 2004, 21 applicants were unsuccessful with five unsuccessful at the interview stage, nine failed Police checks and seven were medically unfit.

To date in 2005, 11 applicants have been unsuccessful with three unsuccessful at interview stage, one failed the Police check and seven were medically unfit.

3. In 2004, 33 applicants left before completing their 12 months service and in 2005 to date, five applicants have withdrawn their interest.

4. Although SAAS does not currently keep central records on the number of volunteers categorised as attendance only, regional management estimate that there are six, with three of these operating under probationary driving licence conditions, that will change from attendance only classification once they have achieved full licences.

In reply to **Hon J.F. STEFANI**.

The Premier has provided the following information:

The issue of the recruitment and retention of volunteers is an ongoing issue for all services involving volunteers. The government has been working with the volunteering sector through the Volunteer Ministerial Advisory Group to reduce obstacles to volunteering and to encourage a greater awareness of the range of volunteering opportunities. For example the government has recently undertaken the state wide publicity campaign "*It's a two way thing*" to promote volunteering opportunities especially to young people and a resource booklet on key issues has been produced and widely distributed across the sector.

In reply to **Hon IAN GILFILLAN**.

The Minister for Health has provided the following information:

The Emergency Services Levy (ESL) was introduced in 1999-2000. As the majority of SAAS work is related to medical events, SAAS is not classified as an emergency service under the *Emergency Services Funding Act 1998*.

SAAS does, however, receive a portion of the emergency services levy for services relating to certain rescue operations undertaken by their Special Operations Team and fire related activities. This ensures that SAAS does not have to recover fees for this category of service.

FARMBIS

In reply to **Hon. IAN GILFILLAN** (5 April).

The Hon. CARMEL ZOLLO: The Minister for Agriculture, Food and Fisheries has provided the following information:

1. The Commonwealth Government has substantially reduced the national AAA-FarmBis (2004-2008) budget in comparison to FarmBis-*Skilling Farmers for the Future* (2001-04). Since its inception in 1998, the Commonwealth has consistently signalled that FarmBis (Farm Business Improvement Scheme) is a structural adjustment package that will have a limited time span. As an exit strategy, the Farmbis State Planning Group, comprising industry and government members, is required to consider the sustainable legacy of FarmBis when developing policy recommendations for both Governments.

2. An extensive monitoring and evaluation framework to measure the outcomes and benefits of the program is a feature of

FarmBis. Both Governments will use this data to review their commitment to FarmBis, or a variation thereof, before the end of the current program.

3. This Government recognises the importance of FarmBis to assist rural industry managers to become more sustainable and better manage risk. I will be monitoring the outcomes of the program and providing relevant advice to Cabinet within Government planning frameworks for future commitments.

BUSHFIRES

In reply to **Hon. CAROLINE SCHAEFER** (11 April).

The Hon. CARMEL ZOLLO: As previously advised, to ensure that the process of investigating the Eyre Peninsula or Black Tuesday fire is fully transparent, and so that all South Australians can be better prepared for future bushfires, this Government has established an independent review into the circumstances surrounding the Eyre Peninsula bushfire.

The terms of reference for the review include those matters raised by the honourable member, ie the assistance of members of the community and aerial firefighting activities.

METROPOLITAN FIRE SERVICE

In reply to: **Hon. A.J. REDFORD** (4 April).

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

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

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

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

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

The auditor reported that SAMFS failed to provide evidence to enable validation of several (key) elements, not that it failed to meet basic legal compliance.

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

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

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

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

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

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

Issues relating to safeguarding of machines, equipment and operations at the Engineering Workshop, which were identified during the November audit inspection, were corrected prior to SAMFS receiving the auditor's report of March 2004. SAMFS management implemented a corrective action plan immediately after the workshop inspection was completed and the auditor was advised accordingly.

The question regarding the SAMFS safety provisions at the Clipsal 500 event relates to Standard 3, Element 8, (Implementation, Hazard Identification, Evaluation and Control) of the WorkCover Performance Standards for Self Insurers.

The auditor's report actually highlights that SAMFS **does** integrate OHS into their operational systems and identifies the SAMFS Risk Management Plan for the Clipsal 500 event as a good example of how well this is achieved.

SCHOOL BULLIES

In reply to **Hon. KATE REYNOLDS** (14 February).

The Hon. T.G. ROBERTS: The Minister for Education and Children's Services has advised:

1. One hundred and thirty primary and secondary counsellors and members of the district Inclusion and Wellbeing teams were trained in the DECS *Reducing bullying in schools: a professional development resource.*

2. The DECS School Discipline Policy makes clear the need for every school to have a School Behaviour Code. Many schools have already developed an anti-bullying policy as part of this code.

To support schools, DECS developed and distributed *Reducing bullying in schools: a professional development resource* to all DECS schools. This resource has a section dedicated to developing an anti-bullying policy, which includes a policy template, a recent article on cyber bullying, and two workshops to guide staff in developing a policy.

Included in this resource is a copy of *Stop the bullying: A handbook for schools*, by Adjunct Professor Ken Rigby from the University of South Australia. This publication also provides a section on developing a school policy.

The one hundred and thirty counsellors and Inclusion and Wellbeing staff who undertook the training in the DECS package and the National Safe Schools Framework, are leading their district in implementing these packages in their local schools. This includes providing advice and assistance as necessary in developing a school's anti-bullying policy. Each district has received some funds from the Commonwealth's Australian Quality Teacher Program. To ensure country counsellors and Inclusion and Wellbeing staff could access the training in these packages, workshops were provided in Port Pirie, Mt Gambier, Berri, Whyalla and Port Lincoln as well as the metropolitan area.

3. Raising awareness among staff, students and parents is the first important strategy in reducing bullying in schools. The twenty-one workshops in the bullying package, from which schools can choose, provide a structure to inform and involve the school community in this important issue.

Dr Rigby's book provides information about specific strategies such as peer support, conflict resolution and mediation, whilst the DECS package supports schools to change their school physical environment and yard duty practices, to involve students in decision making and support curriculum options that can enhance students' resiliency and help-seeking skills.

All thirty-six district Interagency Student Behaviour Management Coordinators can access training in programs as the positive student self-esteem initiative *Program Achieve* and the mental health initiatives, *Mind Matters* and *Beyond Blue*. DECS also works through various counsellor networks so counsellors are have current information and can access training about how to decrease bullying in schools.

4. The schools in question indicated in this article that they had done everything within their power to protect Peter – including suspending bullies, introducing and enforcing codes of conduct, and offering monitoring and support services to him.

Prevention is the best way to decrease bullying, however, schools also require effective intervention strategies to stop the bullying continuing and support the victim and deal with the bullying behaviour. If serious, suspending the perpetrator will prevent the immediate continuation of the bullying and provide time to implement a restorative justice process.

The School Discipline Policy Implementation Kit provides guidelines in the use of suspension and exclusion from school. Further bullying may lead to the student being excluded to a specialist DECS behaviour unit.

Since 2002, fifty-five extra salaries have been allocated so that an additional one hundred and thirty four primary and area schools

could appoint a primary school counsellor in 2005. There are now nearly four hundred salaries for counsellors in primary and secondary schools - staff who are available to teachers, students and parents to help deal with issues such as bullying.

An additional $2.1m over four years was provided by the Government in the 2004-05 budget for the training of counsellors in strategies to support student well being including students who are at risk due to bullying or abuse.

The thirty-six district Interagency Student Behaviour Management Coordinators and other members of district Inclusion and Wellbeing teams are also available to support schools in working with these students and their families. Schools also refer to other agencies such as Child Adolescent Mental Health Services and Second Storey when mental health issues are a contributing factor.

5. *Reducing bullying in Schools* package provides a student survey tool developed in consultation with Dr Rigby, which can measure the extent of bullying in schools.

The DECS Child and Student Wellbeing Unit will monitor the impact of the training through the District Directors who will liaise closely with Principals. Initially, monitoring will include the progress schools have made in developing their anti-bullying policies and baseline data from student surveys.

6. There will be a staff member from every government school who will participate in the counsellor training. These staff, based at the school level, will receive a coordinated training program over the next three years staff and will have the skills and knowledge to offer practical support to other teachers in the school. There is already a Project Officer in place to assist in the development of the training.

To ensure schools continue to be supported in decreasing bullying in schools, especially by accessing quality training and development, an anti bullying advisory committee will be established in 2005.

GOAT SHOOTING

In reply to **Hon. CAROLINE SCHAEFER** (11 April).

The Hon. T.G. ROBERTS: "The Minister for Environment and Conservation has advised:

1. Since the Government purchased the property 2004, DEH has escalated an ongoing program to reduce goat numbers. In recent years, the aerial culling by trained and qualified marksmen has been supplemented with co-operative culling programs involving members of the Hunting and Conservation Branch of the Sporting Shooters Association. These programs have resulted in culls over 1600 goats in 2004 and already this year, a further 1450 feral goats.

Rather than the goat culling program being 'indiscriminate' DEH's feral goat program uses highly trained and accredited shooters to undertake this necessary work.

The Honourable Member outlines that her constituent is concerned that the carcasses left from the culling program will encourage a dramatic increase in blow flies when the practice of mulesing sheep is under scrutiny.

The culling figures indicate that, on average across Bimbowrie, there would only be one carcass for every 500 hectares of the property. This represents an exceedingly small density of carcasses across the entire property, and given the warm conditions that have followed the feral goat-culling program, these carcasses would soon dry out and become desiccated. Effective fox control programs have also significantly reduced fox numbers where these animals may have otherwise been attracted to any goat carcasses.

I am advised that only one landholder has raised concerns with DEH about the alleged increase in blowfly numbers as a result of carcasses remaining on the ground after the feral goat cull. This landholder's property is some 15 kilometres from Bimbowrie. Evidence suggests that flies generally do not travel more than three kilometres from their hatching site during their lifetime (ref. Primary Industries & Fisheries, Qld).

2. I am advised that the Honourable Member's constituent was not "dismissed out of hand" when he raised his concerns with DEH. Rather, he spoke with a number of senior officers who are familiar with both the Bimbowrie property and goat control programs. I am advised that each of these officers dealt professionally with the constituent's concerns.

DEEP CREEK

In reply to **Hon. SANDRA KANCK** (5 April).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

1. Officers from the Department of Water, Land and Biodiversity Conservation have met on site with Mr Bartolo to discuss his concerns. The discussions addressed anecdotal information about historical stream flow, forestry in the catchment, increasing dam numbers in the upper catchment and rainfall trends.

The Department has advised me as follows:

- There are no official stream records for this particular site and anecdotal evidence from past and current landowners appears to be conflicting with respect to historical stream characteristics. Some suggest that the stream is perennial while others suggest that it is ephemeral. Both claims may be correct for different points in the recent history of the stream.
- Interpretation of the available aerial photography indicates that the number and aggregate capacity of dams constructed in the upper catchment to Foggy Farm has significantly increased over the last 30 years. Interpretation of the data suggests that the aggregate dam capacity in the area has doubled since 1974.
- An analysis of rainfall data since 1970, from an official rainfall station located within 4km of the sub-catchment centre, indicates that there is a trend of reduced rainfall since the 1970s, with only seven years reaching the long term mean, or exceeding it, since 1980. In contrast, and perhaps explaining some of the disparity in the anecdotal information about streamflows, the decade of the 1970s was an extremely wet period, with seven of the ten years having rainfall in excess of the long term mean.

Both the increase in farm dams and the lower rainfall would have a significant impact for surface flow, groundwater recharge, baseflow and stream flow.

Mr Bartolo's hypothesis is that the most recent forest plantation development of approximately 40 ha established in 1994 is the reason for the decline in stream flow. Whilst forestation has probably contributed to reduced stream flow, it is just one component of a more complex picture with the additional forested area representing only about six per cent of the catchment above Foggy Farm.

2. The Honourable Member would need to ask Mr Bartolo why he considered it necessary to commission the study.

3. No.

4. There is no intention to take any specific action at this time.

A number of relevant policy initiatives are currently being undertaken, including:

- A broad scale assessment of water dependent eco-systems of the Southern Fleurieu Peninsula is being undertaken by the Department of Water, Land and Biodiversity Conservation in partnership with the Integrated Natural Resources Management (INRM) Group for the Mount Lofty Ranges and Greater Adelaide Area.
- A notice of intent to prescribe the water resources of the Western Mount Lofty Ranges has been issued under the Water Resources Act 1997. In the event that the water resources are subsequently prescribed, water allocation plans will be developed in consultation with the community.
- Consistent with the provisions under the Intergovernmental Agreement on a National Water Initiative, forestry impacts upon water resource budgets will be accounted for and, if appropriate, actively managed in future water allocation plans. This has already commenced in the lower South East.

WOMEN'S SAFETY STRATEGY

In reply to **Hon. SANDRA KANCK** (25 November 2004).

The Hon. T.G. ROBERTS: The Minister for the Status of Women has advised:

A discussion paper was released on 13 March, 2003 seeking input about women's safety from community members and workers. A detailed consultation process has since occurred, including consideration of written submissions and community consultations throughout the state.

A statement outlining the Rann Government's commitment to women's safety was released on International Women's Day in March 2005. The Women's Safety Strategy titled '*Our Commitment to Women's Safety'* provides direction for Government, and non-Government and community service organisations, in responding to violence against women. It is available from the Office for Women or can be downloaded from

www.families.sa.gov.au or www.officeforwomen.sa.gov.au.

MEDICAL SCHOOLS

In reply to **Hon. T.G. CAMERON** (30 June 2004).

The Hon. T.G. ROBERTS: The Minister for Employment, Training and Further Education has advised:

1. There are several reasons why interstate students are attracted to South Australian medical schools. These include:

- the quality of South Australian education
- the number of places available in South Australia
- the propensity of interstate students to seek admission to a number of medical schools rather than those available in their home State.

It should be noted that in 2003, while South Australia's population was less than 8 per cent of the national total, South Australian students occupied 8.5 per cent of medical places across Australia and South Australia's medical schools trained 13 per cent of Australia's total medical places.

In 2004 only 40.9 per cent of applications for medicine at the University of Adelaide were from South Australia however, South Australian students made up 48 per cent of the first year cohort. At Flinders University, South Australian students made up 47 per cent of the first year cohort. Early indications for 2005 suggest that this figure will be even higher next year.

2. Graduate destination data from the University of Adelaide and Flinders University are unavailable.

Flinders has provided data on the internship placement of Australian students, commenting that "roughly 60 per cent of our graduates overall are staying in South Australia." This has been relatively consistent for the past four years.

The Chair of the Admissions Committee, School of Medicine, Flinders University comments that:

> "As shown in the Australian Medical Workforce Advisory Committee background paper written by Dr Mary Harris in November 2003, where people go to Medical School is a stronger determinant of subsequent career choices than their State of origin.

3. Legal advice is that the imposition of quotas would likely contravene section 117 of the constitution.

The main issue for longer term medical workforce planning in South Australia is not the State of origin of the undergraduate or graduate medical students but how best to retain and attract medical graduates to work in South Australia. Research by the Australian Health Workforce Advisory Committee shows that medical graduates' ultimate place of work is largely determined by their post-graduate vocational training.

The Government is working with the universities to examine enrolment practices and to help retain graduates to meet long-term workforce requirements. A number of initiatives are being examined to better prepare school students for medical careers and to improve South Australian students' competitiveness in the application process.

ABORIGINAL EMPLOYMENT PLAN

In reply to **Hon. KATE REYNOLDS** (26 May 2004).

The Hon. T.G. ROBERTS: The Minister for Education and Children's Services has provided the following information:

1. The Chief Executive of the Department of Education and Children's Services is sponsoring a working party of senior officers to further develop the Aboriginal Employment Strategy under the key areas of recruitment, retention/career development and monitoring and evaluation.

2. The proposed timeline for the Aboriginal Employment Strategy is mid 2005 – December 2010.

3. The strategy will be rolled out over five years. The department has identified that a number of aspects of the strategy can be implemented within existing departmental funding and resources. Further funding is currently being identified for the other aspects of the implementation plan.

4. The strategy contains a number of actions to increase retention of Aboriginal staff, including:

- a reporting requirement in the performance agreements of all senior staff in the department about the progress towards targets as identified in the Aboriginal Employment Strategy
- principals, directors and site managers using the flexibility of the global budget to increase the numbers and hours of Aboriginal employees in departmental sites
- creating a supportive work environment where senior management and staff are aware of the issues facing Aboriginal employees and communities
- appropriate induction and information in relation to roles and organisational culture
- access to targeted training and development, performance feedback, career counselling and mentoring for Aboriginal employees.

SHOPPING SURVEYS

In reply to **Hon. J.F. STEFANI** (5 April).

The Hon. T.G. ROBERTS: The Minister for Consumer Affairs has provided the following information:

1. No. If the Honourable Member seeks information from government departments, this information should be requested through the relevant Minister.

2. As I previously advised, I have not authorised any such survey and no such survey has been undertaken by the Office of Consumer and Business Affairs.

3. If the Honourable Member seeks information from government departments, this information should be requested through the relevant Minister. As I previously advised, I have not authorised any such survey and no such survey has been undertaken by the Office of Consumer and Business Affairs.

EGG INDUSTRY

In reply to **Hon. CAROLINE SCHAEFER** (10 February).

The Hon. T.G. ROBERTS: The Minister for Agriculture, Food and Fisheries has provided the following information:

1. In July 2003 then Minister Hon Paul Holloway launched 'Cracking the Egg Industry Challenge', a report prepared by David McKinna on behalf of the egg industry and the State Government. This report was a plan describing a way forward for the egg industry and clearly enunciated the challenge facing egg producers and the need for them to address their future in the industry with the ensuing layer hen welfare changes coming into effect in 2008.

2. An adjustment scheme for the egg industry was supported and encouraged at both departmental and Ministerial levels. An effective program requires both Federal support and the majority of the States. When key States failed to support an adjustment scheme, a State-based levy and adjustment approach became unworkable. Egg producers have known about the new hen welfare standards since 2000, including changing cage sizes which are to become operational from 2008.

3. There will be no additional support provided by the Commonwealth or State beyond the normal AAA adjustment packages for farmers exiting agriculture. Support has been and will continue to be provided by PIRSA to assist producers to establish where their future of their business might lie and to identify suitable sites for re-establishing such businesses.

ROAD INFRASTRUCTURE

In reply to **Hon. CAROLINE SCHAEFER** (24 November 2004).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

1. I am aware of the situation at Mallala. I am unaware of the perceived problems at McLaren Vale and would be pleased to look into that if the Honourable Member could provide some details.

2. The specific small piece of road referred to at Mallala is Cameron Terrace. This road, with the exception of the level crossing, was initially sealed from the Two-Wells to Mallala Road to the AWB grain handling facility as a requirement of the development approval given to AWB Ltd for its facility.

The level crossing was not sealed due to the inability of the site developers AWB Ltd, Mallala Council and Australian Rail Track Corporation (ARTC) to reach a satisfactory agreement on the relevant standards of the crossing and distribution of costs, therefore this portion of road remains unsealed.

Cameron Terrace comes under the care, control and management of Mallala Council, with the level crossing portion of the road under the care, control and management of the ARTC. The Department of Transport and Urban Planning is therefore not responsible for undertaking the required sealing works.

In late 2004, an agreement was reached for AWB Ltd to fund the sealing of the unsealed portion of Cameron Terrace, to the standards and requirements of ARTC and Council, during the first half of 2005, well before the next grain carting season.

It was not feasible to complete the road sealing prior to the 2004 harvest, as the works would have caused significant disruption to the

grain carting operations. Additionally, Cameron Terrace is not a gazetted B-Double route. This means that these vehicles require a permit to allow access to the AWB facility via Cameron Terrace. Where a permit is issued over a rail crossing, approval is required to be sought from the rail owner. In this case ARTC have approved B-Double access over the unsealed rail crossing.

It is intended that Cameron Terrace will be gazetted once sealing of the rail crossing is completed

3. Transport SA is unaware of any roads that have restricted access as a result of a lack of maintenance and there is no infrastructure wind-down. However, some roads have restricted access due to load limits on bridges and ferries or junctions that do not have the capacity for the turning movements required for larger transport vehicles such as B-Doubles

EXPORTS

In reply to **Hon. D.W. RIDGWAY** (5 May).

The Hon. P. HOLLOWAY: After a competitive selection process, Ms Alice Jim was appointed to the position, officially commencing on Wednesday 4 May 2005.

The appointment is for a 12 month period initially. A review will be conducted jointly by Department of Trade and Economic Development Office of Trade and Austrade towards the conclusion of the one year term to evaluate the effectiveness of the service agreement.

Ms Jim is a Hong Kong native, educated in Melbourne. She has extensive work experience with the private sector in Hong Kong.

RAIL, METROPOLITAN TRACKS

In reply to **Hon. D.W. RIDGWAY** (6 April).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

1. TransAdelaide has installed 5,235 concrete sleepers in track since Labor came to Office at the following locations:

- Adelaide Yard
- Islington
- Kings Road level crossing
- Park Terrace, Bowden level crossing
- Woodville Road level crossing
- South Road level crossing
- Woodville Station
- Torrens road level crossing
- Howard Street level crossing

2. Excluding a short section (500 metres) of steel and timber sleepers within the Adelaide Yard the entire ballasted plain track including railway stations on the Outer Harbor line, has been converted to concrete gauge convertible sleepers.

TransAdelaide is progressively upgrading its level crossings over the entire system by installing concrete sleepers on a priority basis. Of the 23 crossings on the Outer Harbor line 14 have concrete sleepers installed.

The remaining crossings on this line will be upgraded based on priority.

TransAdelaide monitors its track through an inspection system that requires the walking of the entire system every 28 days by experienced Track Inspectors. Defective sleepers are identified and work orders issued for their replacement as part of an ongoing maintenance regime.

RIVERLAND, CHRISTMAS CAROLS

In reply to **Hon. D.W. RIDGWAY** (4 April).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

Transport SA has advised that it is unaware of any old Transport SA ferry being used for 2004 Christmas carols. However, two ex-Transport SA decommissioned ferry hulls were used in March 2005 for the Music on the Murray event. These ferries had been disposed of prior to the event to the organisers for scrap value. The organisers accepted responsibility for their safe use and associated costs.

DUKES HIGHWAY

In reply to **Hon. D.W. RIDGWAY** (14 February).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

The majority of the 17 km rehabilitation does not involve reconstruction of the batters or verge in road reserve area, except at the Tolmer Rest Area and where the pavement is to be built up higher than the existing road surface. In these areas, reconstruction of the shoulders and batters will be required and any existing trees that may be affected by this will be removed as part of the project.

These necessary removals will be kept to a minimum. Where remnant native vegetation is impacted, consultation with the Native Vegetation Council has occurred and native vegetation removal approval has been obtained.

Separately to the rehabilitation project, while regenerating vegetation in our road reserves is to be encouraged, standards exist for clearance envelopes, which seek to balance environmental and safety benefits. Where regeneration comprises these standards, action is taken as part of routine maintenance activities.

The Dukes Highway Rehabilitation project is essentially a large repair treatment to specifically rehabilitate approximately 17 km of the failed existing pavement between Bordertown and the South Australian-Victoria Border (east of Bordertown) and does not include the road west of Bordertown.

ROAD AND COMMUNITY SAFETY FUND

In reply to **Hon. D.W. RIDGWAY** (9 February).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

All revenue from anti-speeding devices is paid into the Community Road Safety Fund.

The Community Road Safety Fund is applied broadly to road safety police activities, infrastructure improvements, and road safety education activities. This would include activities in the Mount Gambier area.

DUKES HIGHWAY

In reply to **Hon. D.W. RIDGWAY** (22 November).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

1. The parcels of land fenced off within the road reserve along the Dukes Highway between Bordertown and the Victorian border were part of a project carried out in early 2000.

Although the care, control and management of the road reserve is the responsibility of the Tatiara District Council, the project was instigated and funded by the Department of Transport and Urban Planning to preserve and restore the unique woodlands along the Dukes Highway.

The Department has inspected the fencing and can confirm that there are two locations where the fencing has been cut and 3 entrances where the gates have been removed. The fencing will be mended and restrained, and the gates replaced, within the next few months.

2. Regular monitoring of the Roadside Nature Reserve has not been considered necessary. However, the Department can advise that much natural regeneration has occurred.

TRANSPORT SA

In reply to **Hon. SANDRA KANCK** (9 February 2005).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

Transport SA is aware of the recent pressure at the Mitcham Customer Shopping Centre and continuously reviews procedures to best utilise resources whilst ensuring a cost effective delivery service.

Predominantly peak busy periods in Customer Service Centres are between 11am and 3pm and are generally suitably staffed for these peak periods. Not withstanding the known peak periods, fluctuating volumes of customers occur on an ad-hoc basis throughout the day, whereby staffing levels may not accommodate increase in customer demand without affecting customer waiting times for the period.

Transport SA sets a high standard of customer service. Service standards are monitored throughout the network of Customer Service Centres by:

- The use of “mystery shoppers
- Monthly survey of queue waiting times
- Customer feedback including complaints
- Personal observations by Managers
- Transactional statistics

The ratio of staff to services in January for the Mitcham Customer Service Centre was 170 transactions per day per full time equivalent staff member. The ratio for Adelaide centre was 161 transactions per

day per full time equivalent staff member. However, adjustments are made when necessary by increasing staff numbers at centres experiencing greater demands.

Transport SA acknowledges that all members of the community must have easy and convenient access to all Government services and has recently offered to all members of the community, opportunity to transact 'on-line' by internet or telephone, via EzyReg and voice automated phone services, where normally they night attend a Customer Service Centre to complete a transaction. It is anticipated that this will not only provide customers more payment options, including vehicle registrations, but will also significantly reduce the number of customers who attend Customer Service Centres to personally conduct business in the future, thereby alleviating lengthy queues.

To further promote EzyReg throughout the community, a Transport SA EzyReg Marketing Strategy has been developed and is being implemented at the Marion Customer Service Centre.

Phase One of the Marketing Strategy is to increase the public's awareness, and promote the availability and benefits of EzyReg. Transport SA has engaged the services of two personnel whose role is to personally approach customers entering the Marion and Adelaide Customer Service Centres in the first instance, to promote EzyReg by providing advice, distributing promotional material, and demonstrate how to access the Internet by giving 'one-on-one' personal assistance and instruction, to customers who choose to take advantage of the Internet when they attend the customer service centre.

Phase Two of the Marketing Strategy is to provide computers for customer use in Customer Service Centres.

WESTERN MINING CORPORATION

In reply to **Hon. SANDRA KANCK** (9 December).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

There are no trucks of ore travelling through metropolitan Adelaide as it is all processed on site.

The current annual production at Olympic Dam is 215,000 tonnes of copper and 4,300 tonnes of uranium oxide. Western Mining Corporation has been undertaking a logistics study since early 2004, and is considering all options for transport of the finished product and supplies required to support expansion. This study is considering all options including a new rail line between Pimba and Roxby Downs.

The South Australian Government has been actively supporting this logistics study through the Olympic Dam Expansion Taskforce, which includes representatives for the Department of Transport and Urban Planning.

TAXIS

In reply to **Hon. IAN GILFILLAN** (11 November).

In reply to **Hon. T.G. CAMERON** (11 November).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

1. Taxi training courses involve three days of formal training with a Registered Training Organisation and in addition, a 120-hour log book on-road training with a supervisor. This training includes:

- a four hour introductory session with the training provider (including literacy and numeracy assessment);
- practical driving assessment; and
- a three day training course which covers the Regulator's role, Passenger Transport Regulations including the Code of Practice for Taxi Drivers, passengers with special needs, driver safety and security, customer relations and tourism, navigation and street directory use, and driver health and stress management.

2. The module of training regarding passengers with special needs (mentioned above) includes disability awareness training on:

- discrimination, in particular the *Disability Discrimination Act* 1992;
- familiar forms of disability;
- misconceptions about people with disabilities;
- disability etiquette;
- epileptic seizures;
- vehicle transport issues for people with disabilities;
- providing assistance if needed; and
- safe and pleasant journeys (i.e. customer service) for people with disabilities

In addition, a video regarding the carriage of guide dogs and assistance animals is used in the training, entitled "Any dog can chase a taxi – ours can catch one". This video was produced by the NSW Society for the Blind and is used with their permission.

The requirement to accept a person with a guide dog or other assistance animal and to provide the necessary assistance is covered under the Regulations module.

3. The Taxi Council of South Australia (formerly the South Australian Taxi Association) published information regarding the carriage of people with vision impairment including guide dogs in taxis in the August 2004 edition of its newsletter. The newsletter is distributed to all taxi companies.

In addition, the Taxi Council SA and the Royal Society for the Blind are working together to raise awareness among taxi drivers and operators of issues for people who are blind or vision impaired travelling in taxis. These include:

- the preparation of a brochure;
- the Royal Society for the Blind meeting with training providers;
- consideration of refresher training for drivers who require this; and
- publication of taxi related issues (such as fare changes) in the Society's newsletter.

The Department of Transport and Urban Planning included an article in its December 2004 edition of "Streets Ahead" on the carriage of assistance animals, including guide dogs for people with vision impairment. The newsletter is distributed to all accredited passenger vehicle drivers.

The carriage of guide dogs was addressed in an article of "On the Street" in December 2003. "On the Street" was published by the Passenger Transport Board and has been replaced by the "Streets Ahead" publication.

In response to the supplementary question, Regulation 57 (2) (e) of the *Passenger Transport* (*General*) *Regulations* 1994 requires a taxi driver to carry a guide dog for people who are blind or deaf, or other assistance animal for a person with a disability. The penalty for refusing to do so is an expiation fee of $105 with a maximum penalty of $750.

The Government could consider reviewing this penalty if necessary.

In addition, members of the public may take action against discrimination under the Equal Opportunity Act or the federal Disability Discrimination Act. The courts determine penalties under these Acts.

In reply to **Hon. J.S.L. DAWKINS** (3 March).

The Hon. P. HOLLOWAY: The Minister for Infrastructure has provided the following information:

1. A Government working party is investigating several potential sites for an intermodal facility, including sites in the northern metropolitan region. Delfin Lend Lease has submitted a proposal for an intermodal facility at Waterloo Corner, which is currently being considered by the Government.

2. The Office for Infrastructure Development is considering Delfin Lend Lease's proposal and has consulted with various agencies including the Office of the North.

3. The State Government welcomes private sector initiatives to develop appropriate freight related infrastructure in suitable locations, however there is currently no justification or necessity to fund a northern freight hub through a public private partnership.

MOTOR VEHICLES, YOUNG DRIVERS

In reply to **Hon. T.G. CAMERON** (14 February).

In reply to **Hon. KATE REYNOLDS**

In reply to **Hon. NICK XENOPHON**

In reply to **Hon. J.F. STEFANI**

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

1. The Australian Transport Safety Bureau has analysed relevant statistics involving fatal crashes. It found that most young drivers involved in fatal crashes were driving fairly ordinary cars. Moreover, although coroners' records indicate that around 26 per cent of the young drivers involved in fatal crashes were sober but speeding, very few of those who were speeding were driving high performance vehicles.

2. A comprehensive variety of traffic safety education programs has existed in South Australian schools for some time. The locally-developed *Road Ready* teaching resource assists primary schools to teach children how to be safer pedestrians and passengers, and has accompanying parent materials. In addition *Safe Track*, which covers

rail safety, and the national cycle education program, *Bike-Ed*, are also available. Moreover, under the *Safe Routes to Schools* program, participating schools are assisted by Transport SA to develop a traffic safety plan for the whole school community.

In the upper secondary level, South Australian Police conduct *Youth Driver Education Program* visits to schools to complement the regular broad-based safety education curriculum. A community involvement initiative for local young drivers in Adelaide Hills high schools is being piloted by the Department of Education and Children's Services. Some schools encourage students to generate their own road safety projects such as debates, community surveys, drama productions and films in connection with studies in other subjects such as English, Mathematics and Physics.

The South Australian Metropolitan Fire Service recently launched the Road Awareness and Accident Prevention (RAAP) program.

This program is aimed at year 11 students, and it is offered to metropolitan and country schools. The program is designed to help keep our students safe on the roads with a simple message stressing the dangers of excessive speed; the possible consequences of driving under the influence of drugs or alcohol; the need to be a safe passenger; the trauma suffered by all parties involved in both fatal and non-fatal road accidents; and the need for concentration and commonsense.

The program is designed to give students a hard-hitting realistic insight into road accident trauma. This is achieved by using video footage and photographs of real accidents and victims. The video footage is graphic; it has been edited to make it suitable for year 11 students. The RAAP program is an hour and a half long and consists of two stages: a practical demonstration by firefighters using hydraulic rescue equipment - the jaws of life - highlighting techniques used to free casualties from a vehicle; and, secondly, a classroom presentation by experienced firefighters explaining the realities of what happens to road accident victims. They also address the lasting trauma from injuries and fatalities, including the ongoing effects for victims with spinal injuries.

Some of the schools that have already taken advantage of the program are Port Lincoln High; Pultney Grammar; St Mark's College, Port Pirie; John Pirie High School; Cornerstone College, Mount Barker; Blackfriars Priory School; Hallett Cove High School; Grant High School, Mount Gambier; and Wirreanda High School, Morphett Vale. As members would be aware, this government is committed to reducing the incidence of the death of young people on our roads in regional areas. It has been arranged to present the program to Mount Gambier High School on 3 May by senior firefighter Peter Hall and firefighters from Adelaide and Mount Gambier. Firefighters consider that the RAAP program has a significant impact on student attitudes towards road safety and their need to modify driving behaviour.

The School Traffic Safety Education Taskforce, established by the Government's Road Safety Advisory Council, is composed of representatives from DTUP, SAPOL, DECS, parent organisations and private school systems. In addition to overseeing the recent drafting on an early childhood teaching resource, the Taskforce is about to report to the RSAC (through the Education and Training Programs Subcommittee) on its proposals towards a more coordinated and integrated approach to school road safety education across South Australia.

TRANSADELAIDE, TICKETS

In reply to **Hon. T.G. CAMERON** (6 December 2004).

The Hon. P. HOLLOWAY: The Minister for Transport has provided the following information:

1. I am advised that no refund facilities have been removed from suburban ticket sales counters during the life of the present government and patrons can exchange faulty tickets at the following locations:

Info Centre
Cnr Currie and King William Streets, Adelaide

SERCO

Elizabeth Bus Depot
Ridgeway Rd, Elizabeth West

Morphettville Bus Depot
171 Morphett Rd, Morphettville

St Agnes Bus Depot
1146 North East Rd, St Agnes

TRANSITPLUS

Aldgate Bus Depot

TRANSADELAIDE

Adelaide Railway Station
300-308 Mt Barker Rd, Aldgate

Oaklands Railway Station
Crozier Tce, Oaklands Park

Noarlunga Railway Station
Burgess Dr, Noarlunga Centre

SOUTHLINK

Lonsdale Bus Depot

TORRENS TRANSIT

Mile End Bus Depot
71 Richmond Rd, Mile End

Newton Bus Depot
Cnr Papagni Ave & Meredith St, Newton

Port Adelaide Bus Depot
244 Port Rd, Port Adelaide

Salisbury Railway Station
North Gawler St, Salisbury

Elizabeth Railway Station
Mountbatten Sq, Elizabeth

Gawler Railway Station
Twenty Third St, Gawler West

Camden Park Bus Depot
99-103 Morphett Rd, Camden Park

Alternatively reply paid Ticket Replacement Application Forms are available from all Licensed Ticket Vendors or any transport authority employee.

Currently The Office of Public Transport will only refund a ticket when a patron moves interstate. Full refunds are available from the Info Centre located on King William Street.

2. Current services levels have not decreased for several years, therefore no cost savings have been identified by the OPT.

3. The current procedure has been in place for several years. Information regarding where tickets can be refunded or exchanged is available via the Adelaide Metro Web Site, by phoning the Passenger Transport Info Line and various posters and brochures that are distributed by the OPT to ticket vendors.

4. As previously mentioned the current service has not changed for several years. Should service levels change an appropriate information program would be undertaken.

ANANGU PITJANTJATJARA LANDS

In reply to **Hon. KATE REYNOLDS** (20 July 2004).

The Hon. T.G. ROBERTS: The Premier has advised that:

The Pitjantjatjara Land Rights (Executive Board) Act 2004 put beyond any doubt the validity of the former Executive Board of the AP. Elections for a new Executive Board and Chairperson were conducted on 4th October 2004. I understand the elections proceeded without incident and with high level of participation. The Government is working constructively with the Executive Board.

YATALA LABOUR PRISON

In reply to **Hon. A.J. REDFORD** (14 September 2004).

In reply to **Hon. J.S.L. DAWKINS** (14 September 2004).

The Hon. T.G. ROBERTS: I advise that:

The report on the Port Augusta escapes has been provided to the Hon. A. J. Redford. Disciplinary proceedings have been taken against Ms Eva Les.

A Manager of the Cadell Training Centre has now been appointed.

CHILD ABUSE

In reply to **Hon. KATE REYNOLDS** (16 September 2004).

The Hon. T.G. ROBERTS: The Minister for Families and Communities has advised that:

1. The Government provided a copy of Robyn Layton's Review of Child Protection in South Australia, "Our Best Investment—A State Plan to Protect and Advance the Interests of Children", to the Senate Community Affairs References Committee's Inquiry into Children in Institutional Care.

The South Australian Child Protection Review extensively canvassed many of the topics included in the Commonwealth Senate Inquiry's Terms of Reference. One of the key Terms of Reference for the South Australian review, which was believed to be of particular relevance to the Commonwealth Inquiry, was to provide advice to the State Government and consider legislation to ensure organisations protect children from sexual and physical violence whilst in their care.

2. On 14 September, 2004, I made a statement to the House that this Government will advocate an apology be given at a national level.

3. The recommendations of the Senate Inquiry are under consideration by the Government. The Commission of Inquiry being undertaken by Justice Mullighan will identify the gaps of previous inquiries. Broadening the terms of reference of this inquiry is unlikely to add to the comprehensive work already undertaken by other inquiries, such as the Layton review and the inquiry of the Senate Community Affairs References Committee.

HOUSING, RENTAL

In reply to **Hon. A.L. EVANS** (22 September 2004).

The Hon. T.G. ROBERTS: The Minister for Housing has advised that:

1. The Shelter S.A. report *Sexcluded* is a small, preliminary but ground-breaking study. It claims that discrimination has occurred against women seeking rental housing and assistance in South Australia, which, in some instances, may have resulted in women and children sleeping rough. Several things are being done to assist vulnerable people in these situations.

The Government has committed $8 million over four years from 2004-05 to the Social Inclusion Unit's homelessness initiatives. This is in addition to the $12 million allocated to programs for the homeless in the 2003-04 Budget. Programs underway include:

- a pilot project to provide private rental liaison to vulnerable tenants in the private rental market, where South Australian Housing Trust (S.A.H.T.) staff work closely with local real estate agents to assist access to affordable lodging. Tenants are also able to benefit from support from S.A.H.T. staff and other agencies to assist them in maintaining their tenancy;
- a new integrated telephone access point for homeless families, and those escaping from domestic violence, to provide improved service access and referrals;
- $3.3 million to provide lodging to families that are homeless or are victims of domestic violence.

An additional measure is the recently proposed reform to the Equal Opportunity Act 1984 to extend the effectiveness of that Act. If passed, the revised Act would provide an equal-opportunity remedy for victimisation on the grounds of sex or pregnancy.

The reform of the Act would further provide for advocacy services to be available to complainants from outside the Equal Opportunity Commission. This would remove any conflict between the role of the Commissioner as investigator and conciliator on one side and also advocate for the complainant before the Tribunal on the other side.

2. South Australia has a sound legislative framework that provides protection for tenants via the *Residential Tenancies Act 1995*. However, as the recent report by Shelter S.A. identifies, there are opportunities to increase awareness of the protection provided by the Act for tenants in the rental market.

Provision of an advocacy service is one method of ensuring appropriate awareness of the Residential Tenancies Act 1995.

In reply to supplementary question asked by **Hon. KATE REYNOLDS.**

In developing a State Housing Plan, it is important that the State's response to housing issues is thoroughly considered and relevant to all South Australians, from the homeless and people with high needs, through to those pursuing home purchase opportunities. The State Housing Plan was released in March, 2005.

ADELAIDE CASINO

In reply to **Hon. A.L. EVANS** (6 December 2004).

In reply to **Hon. J.F. STEFANI** (6 December 2004).

The Hon. T.G. ROBERTS: The Minister for Gambling has provided the following information:

1. I refer to my answer of 22 July, 2004 to a question on this subject from the Hon. N. Xenophon of 25 March, 2004 in which I provided statistics on juveniles detected and I advised:

It is difficult to assess how effective the procedures are in preventing juveniles in gaining entry to the casino, however approximately 370 juveniles per month were refused entry to the casino for the 2003 calendar year. This tends to indicate that procedures are being applied diligently and effectively.

For the 11 months of the 2004 calendar year to November, an average of 301 juveniles per month were refused entry.

SKYCITY Adelaide has from 1 December 2004 changed its policy to now require identification from anyone appearing to be under the age of 25 years. Since this was introduced SKYCITY has refused entry to 830 persons in December 2004, 712 in January 2005 and 616 in February 2005.

This marked increase shows that the policy change has had increased effectiveness in identifying those people who might look older than they actually are.

2. Procedures employed by the SkyCity casino are consistent with those that exist in casinos and other licensed premises throughout Australia.

In reply to the Supplementary Question asked by the Hon. J. F. Stefani:

The Commissioner has the ability to examine and view any tapes held by the Casino.

In reply to **Hon. R.D. LAWSON** (8 February).

The Hon. T.G. ROBERTS: The Minister for Housing has provided the following information:

1. Based on A.B.S. March, 2001 data, there were about 2,187 Aboriginal people living on the A.P.Y. Lands and at March, 2004 there were 232 people on waiting lists for housing. As at February, 2005 there were 384 occupied houses on the Lands, but 49 of these, whilst occupied, require replacement.

Action is being taken to do something about the housing shortage on the A.P.Y. Lands. Since 2000-01, $23.799 million of housing funds have been committed to the A.P.Y. Lands and 73 houses have been constructed. Over the next 12 to 24 months, 10 houses are programmed for construction and six units of accommodation for Indigenous staff housing will be built.

2. The Minister for Housing believes that all people should be able to access affordable lodging and should be supported in their endeavours to seek home ownership.

3. The Government wants to encourage innovative opportunities for home ownership among Indigenous people. As a result of initiatives introduced by Home*Start* Finance and the Aboriginal Housing Authority, Indigenous people are currently taking up home ownership in record numbers.

Individual home ownership by Indigenous people on the A.P.Y. Lands is complicated. I am not aware of any new proposal that effectively addresses the dual issues of Indigenous land rights and home ownership. I would, however, be interested to receive any proposal, provided that it does not disadvantage Indigenous people's interest in the land.

BAIL REVIEW

In reply to **Hon. R.D. LAWSON** (20 July 2004).

The Hon. P. HOLLOWAY: The Attorney-General has advised that:

1. He sought reports from the Police and the D.P.P. and, on the basis of those reports, responded to the letter from the families about changes pending to licence suspension on finding of cause death by dangerous driving - consecutive on imprisonment not concurrent with imprisonment.

2. The provisions of the *Bail Act* and their application to the offending of Clothier were considered as explained in answer 1, above.

3. He hopes to identify deficiencies, if any, in the law and proposals for improvement.

4. There was, and remains, some disquiet and public concern about the granting of bail to offenders. It seemed prudent to examine the issue and gather information and the view of relevant parties to inform any future debate on the same matter, or proposed action.

CRIME STATISTICS

In reply to **Hon. J.F. STEFANI** (13 November 2003).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

1. Crime in S.A. has fallen 6.4 per cent in 2003-04 according to figures in the Police Annual Report.

The Government has:

- Begun to recruit 200 additional police and the first batch have graduated.
- Funded the expansion and tenure of SAPol's Paedophile Task Force to help police bring to justice those being investigated after removal of the statute of limitations on pre-December-1982 sex offences. The Hon. R.D. Lawson, MLC, opposed removing the Statute of Limitations when he was Attorney-General.
- Funded three new police stations servicing the Golden Grove, Aldinga and Para Hills areas for $4.75M.
- Introduced D.N.A. testing of all prisoners as well as people suspected of committing any one of 11 specific summary offences - the most significant crime-fighting advance in S.A. history.
- Blocked plans for a huge suburban bikie fortress in Brompton.
- Introduced laws to remove bikie barricades.
- Introduced a Bill to crack down on organised crime involvement in S.A.'s liquor, gambling and security industries.
- Introduced rehabilitation programs to the State's prisons for sex

offenders, violent offenders and introduced culturally-specific programs for Aboriginal prisoners.

- Increased the maximum penalty for bushfire arsonists to 20 years prison.
- Other legislative initiatives include: new offences for child pornography and a five-fold increase in penalties; given homeowners greater rights to protect themselves and their families against home invaders; given courts the power to lock up serious-repeat-offenders for longer; restricted used of the drunks-defence as a legal excuse for crime; cracked down on identity theft and computer crime; strengthened penalties for those who carry offensive weapons including knives in the vicinity of nightclubs and pubs, and introduced laws to impound the vehicles of hoon drivers.

The Minister for Police has provided the following information:

2. The proceeds of speeding fines are credited to the Community Road Safety Fund, which is held in administered items for Transport Services in the Department of Transport and Urban Planning. Whilst some proceeds of the Community Road Safety Fund are expended on police road safety programs, a substantial proportion of funding to increase police resources is to be funded by State Government appropriation.

3. The South Australia Police in partnership with the Motor Accident Commission and the South Australian Government in '*Supporting the Drive to Save Lives'*, provide traffic education programs to the public of South Australia.

The Programs are based on the '*Fatal Five'* road safety enforcement strategies which target:

- Speed
- Drink Driving
- Inattention
- Seatbelts
- Vulnerable Road Users

Education is delivered in module format to the school community in metropolitan, country and rural South Australia by SAPOL's Traffic Training and Promotions Section. During the 2002-03 financial year, almost 800 sessions were delivered with participation by over 40,000 students as detailed below:

	Sessions	Attendees
Road Safety School (3-13 yrs)	237	8,796
Bicycle Safety (Primary & Secondary)	4	205
Monitor Training Year (Primary)	215	10,669
Obtaining L & P Licence (Secondary)	16	1,325
Youth Driver Education (Secondary)	325	19,491

4. The Community Road Safety Fund commenced operation on 1 July 2003 and therefore no monies were credited to this account in 2002-03. The total budgeted amount to be credited in 2003-04 was $53.4 million. Expenditure from the Fund was also budgeted to be $53.4 million during 2003-04, including road safety expenditure by SAPOL amounting to $29.6 million.

Updated estimates of payments to and from the Community Road Safety Fund were published in the 2004-05 Budget. Final amounts credited to and paid from the Fund will be reported in audited financial statements for 2003-04.

5. $42.8 million was collected from speeding fines in 2002-03.

MITSUBISHI MOTORS

In reply to **Hon. T.G. CAMERON** (27 May 2004).

In reply to **Hon. J.F. STEFANI** (27 May 2004).

In reply to **Hon. NICK XENOPHON** (27 May 2004).

The Hon. P. HOLLOWAY: The Minister for Administrative Services has provided the following information:

Based on Mitsubishi's overall production levels the SA Government's current level of purchases of Mitsubishi Magnas clearly demonstrates the South Australian Government's support for the Mitsubishi product and ensures the ongoing visibility of their vehicles on the road. Any increase in the volume of Mitsubishi vehicles in the government's fleet is unlikely to impact on Mitsubishi's ongoing viability. However, any increase in the volume of Mitsubishi vehicles in the government's fleet above the current levels could outstrip the demand for these vehicles when the government later sells them. This would cause auction prices to decrease, undermining the value of second hand Mitsubishi vehicles thereby affecting all owners of Mitsubishi vehicles. If residual values of vehicles when they are sold are not maintained this might negatively influence the new car buyer's decisions for future purchases.

The South Australian Government is a signatory to the Australia New Zealand Procurement Agreement (Free Trade) that explicitly prohibits practices that discriminate between state-based suppliers and those in other parts of Australia and New Zealand. The level of vehicle purchases is based on whole of life costings and a sustainable fleet mix and the current level of purchases shows appropriate support for the Mitsubishi product.

In response to the supplementary questions, currently the SA Government, through Fleet SA, purchase passenger vehicles from Australian vehicle manufacturers, except for hybrid electric vehicles such as the Toyota Prius which are currently only manufactured overseas. There is also no small passenger vehicle currently being manufactured within Australia.

All commercial vehicles purchased to date, except for passenger type utilities, have been imported, as they are not made locally. However with the Australian production of the Holden Adventra and Ford Territory there will now be an opportunity to purchase some commercial vehicles locally where they are deemed fit for purpose. Light commercial vehicles are purchased based on end use requirements but in the main have been purchased from the parent companies of the four Australian vehicle manufacturers. Vehicle purchases are based on agency choice. However Fleet SA will influence agency choices based on whole of life costings and a fleet mix which maximises resale value, thereby minimising the cost of vehicles to the South Australian Government.

Current and previous funding arrangements have had no influence on vehicle choice.

DEVELOPMENT (SUSTAINABLE DEVELOPMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 2004.)

The Hon. CAROLINE SCHAEFER: As the Hon. Sandra Kanck has already stated in her second reading contribution, this is a most controversial and complex piece of legislation. It has arisen from the long held public view that the planning and development process in South Australia is cumbersome, unwieldy and confusing to all concerned. In many cases the perception is that our planning laws are so slow as to be a deterrent to development. In fact, local government statistics indicate that only a minuscule percentage (in many cases less than 1 per cent and across South Australia less than 2 per cent) of applications ever go further than immediate approval by the local council officer. So, indeed, much of the perceived controversy is just that: perceived. Having said that, I am sure that all of us can recount tales of inordinate delays that have resulted in a serious loss of money and/or progress in a particular area.

This bill, whether intentionally or not, raises another extremely serious matter of principle: the old and long held debate as to whether we do or do not support three tiers of government and, if we do, how much right does one tier have to usurp the role of another tier when both are democratically elected? Certainly, this bill gives the minister of the day unprecedented powers not only to veto but also in selecting development assessment panels in the first place. It should be noted, however, that the planning powers of local government would be left intact by this bill. It is the approval powers and the ability to set up the development assessment panels which are the most controversial issues in this bill.

As legislators, we are faced with the unenviable task of finding middle ground between not stifling a development and protecting the rights of elected members of local

government and, therefore, their electors. I would like to put on record my thanks to my colleague, the shadow minister for environment and planning, the Hon. Iain Evans for the work he has done on this bill and for formulating a party policy, which I believe meets most of the points put to us by various sections of the community, and we have indeed been lobbied by a wide variety of various interest groups. As Mr Evans said, when no-one is 100 per cent happy, one is probably fairly close to an acceptable compromise and, indeed, after we have moved our amendments I am hoping that that will be the case.

This bill seeks to do a number of things, and I will try to give a potted summary. It seeks to improve strategic planning by ensuring that the government does a major review of planning on at least a five-yearly basis with ongoing interim upgrades possible by gazettal. It also requires councils to establish a strategic planning and development policy committee, with reviews at least five yearly, and it requires the minister and the councils to agree on recommendations resulting in a strategic directions report. If this works, and it is a big if, we should as citizens be able to understand, at least on a five-yearly basis, what the vision for our particular community is, and there should be some guidance for developers in each of those regions. If, as I have said, this works, development applications should be streamlined within those strategic guidelines and some of the red tape may be removed. I suppose I display some doubts about that, given that there always seems to be another method of introducing red tape.

Heritage listed properties and items should—and again I stress should—be clearly recognisable. Similarly, there is the ability for a group of regional councils to prepare a single joint development plan amendment (DPA) to save time and money. There are three procedural paths for development plans, depending on the complexity of the planning and policy. There are also three levels of necessity to notify adjoining neighbouring properties, or owners of neighbouring properties, again according to the complexity of the plan and policy. However, there is a sting in the tail.

I draw attention to the government's own briefing notes under 'Development plans' to warn of just some of the minister's powers. This bill enables the minister to initiate a DPA for a key gazettal development site in order to ensure integrated development is properly coordinated (that is, properly coordinated according to the minister). It enables the minister to initiate or complete a council DPA. It makes the minister responsible for approving interim operations of DPAs; it enables the minister to initiate independent investigation of council policy and procedures; and it enables the minister to transfer development assessment responsibilities to a regional DAP if a council DAP is performing poorly. It seems that the assessment of whether the council DAP is performing poorly rests with the minister. It enables the minister to introduce regulations that require that elected specialist ministers have undertaken training, and so on. Many of these rights will be left in the bill by us, but we also wish to leave some powers with the locally elected representatives of local government.

Further, the bill clarifies the obligations of an assessment panel member, and establishes a public officer position of CDAPs and RDAPs to handle complaints. It requires training for elected members of DAPs and enables the ERD Court to hear administrative appeals, instead of incurring the cost of the Supreme Court. It requires quarterly reports on overdue decisions and requires the DAP to report to the ERD Committee of parliament. The bill also introduces a number of new compliance requirements, including the requirement that home pools constructed before July 1993 comply with the same standards as those constructed thereafter.

As to be expected with a bill of this complexity, a large number of interest groups have presented their views, and it must be acknowledged that the Property Council, the government's Economic Development Board and, latterly, the HIA, as well as a number of industry groups, support the bill. Not surprisingly, the Local Government Association does not support the bill. However, as I have said, the most contentious issue by far is the make-up and operation of development assessment panels (DAPs). The government seeks to introduce a compulsory mechanism whereby the majority of DAPs are represented not by local governments but, in fact, by ministerial appointees who have expertise in a particular area.

Another contentious issue is the cost of these DAPs. Even though the majority of their members are ministerial appointees and, indeed, independent of the local government process, the local government of the region is required to pick up the cost. The Liberal Party is against the government's proposal of compulsory independent panel membership and supports the status quo. However, I note that some councils within South Australia have already chosen to have a majority independent panel membership and, obviously, if that is the choice of the council, we continue to support it.

However, we also intend to try to bring greater focus on timeliness and consistency. In other words, we, too, desire a streamlined planning process, but not at the expense of local government. We have a large number of amendments to be placed on file which amend the bill in order, we hope, to cover some of the issues. We will make it compulsory for the minister to set the performance criteria of a development assessment panel. Currently, the minister may do so, but he does not have to. We will increase the minister's power to make a regulation to request from councils, in any format the minister wants, any information regarding development assessment panels and the planning process. We will require the ERD Committee review by 31 December this year and every two years after the performance criteria have been set by the minister. We will empower, or seek to empower, the ERD Committee to request any information from the minister, department or council in regard to development assessment panels and the development process.

We will amend the bill so that persons or associations may refer matters for investigation to the ERD Committee on timeliness or inconsistency in decisions of the development assessment panels. We will empower the ERD Committee to make any recommendations to the minister, including the power to instigate independent panels as proposed by the government. We will empower the ERD Committee to set performance criteria for the minister's department. However, if the Development Assessment Panel does not meet prescribed time frames, the minister, after consulting the council and the ERD Committee, will then be able to appoint an independent development assessment panel, as proposed by the government bill. In this way, we hope to leave the power of planning with local government but ensure that there are no undue delays in development decisions.

Clearly, our amendments seek also to give considerably more teeth to the ERD Committee than is currently the case. We believe that then brings in an independent watchdog, as opposed to allowing the minister to be both the instigator and the watchdog. We will move a number of other amendments

(which will be placed on file either late today or tomorrow morning) at the request of the Planning Institute of Australia, Friends of the City of Unley, Kensington Residents Association and, indeed, the Local Government Association. Given that we are so desperate today to get on with this very important business of the day, I will reserve my further explanations of amendments for the committee stage.

In summary, the Liberal Party will support the second reading and the bill, but only with a number of amendments. As I have said, our amendments will seek to leave the planning process with the LGA and allow the LGA the flexibility of appointing its own development assessment panels. However, we will also attempt to bring in some quite stringent regulations whereby, if those development assessment panels fail to perform, the minister will have the power to introduce the independent members who are seen at this stage to be the panacea and the cure-all for planning within South Australia. As I have said, we have a number of reservations about that, not the least of which being the interference with the democratic process and one tier of government interfering with the rights of another tier of government. However, we certainly do not wish to impede development within the state, so we are attempting to bring in compromises which accommodate both of those wishes.

The Hon. R.I. LUCAS secured the adjournment of the debate.

AMBULANCE SERVICES (SA AMBULANCE SERVICE INC) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 2118.)

The Hon. J.M.A. LENSINK: I rise on behalf of Liberal members to advise that we are supporting the bill. Essentially, it is a tidy up of some previous arrangements, and I have been advised that they are interim arrangements that will remain until the latter arrangements can be brought into place. Everyone would be familiar with the St John's organisation and the amazing services it has provided to the people of South Australia over the years—and we still have a great number volunteers, particularly in country areas, who are continuing to provide services to people in times of emergency medical need.

I am advised that these amendments will facilitate the withdrawal of what is known as the Priory (which is shorthand for the Grand Priory of the Most Venerable Order of the Hospital of St John of Jerusalem), that they are a reflection of the fact that the Priory has withdrawn its services and that they have been rolled into the South Australian Ambulance Service. I am also advised that a number of these arrangements are technical in order to facilitate tidying up following the change in arrangements.

I do not propose to speak for very long on this bill, but I do note from the debate in the House of Assembly that concerns were raised that the board was not mentioned in the new legislation. It has now been placed back into the bill, and that has the full support of the South Australian Ambulance Service board. I also note that there have been a few different models raised in relation to the new board, the present composition being three people appointed by the minister (one of whom will be the chair), two people appointed by the Priory, one volunteer ambulance officer from a panel of three, one volunteer administrator from a panel of three, one person from the Ambulance Employees Association, one person nominated by the UTLC, and one person jointly appointed by the minister and the Priory with knowledge of volunteers—which is a total of 10. The government proposes to keep that number at 10, but with the composition to consist of six to be nominated by the minister—at least one of whom shall be a legal practitioner, one a volunteer and one to have financial management experience.

From the old model, the following would be retained on the board: one volunteer ambulance officer, one volunteer administrator, one person nominated by the ambulance employees' association and one person nominated by the UTLC. The structure where a person who has been appointed by the minister and the Priory with knowledge of volunteers and the two people appointed by the Priory has been replaced by people with particular expertise; so, that is a significant alteration from the current arrangements.

It was debated in the House of Assembly whether the UTLC nominee should remain. I note that, in relation to the allied health boards, it is the view of the government not to accept that that organisation should have direct nomination to boards; that has not been adhered to in this draft of the bill. While I am advised that this is an interim arrangement, and while I am reassured that it will be rectified at a later date, I place that on the record, and I am likely to have some amendments to this bill. I note, too, that the Ambulance Service, in its current form, is almost in a hybrid situation, and that, in its next incarnation, it will seek to be incorporated under the health commission act. Full consultation will occur in relation to that which, again, will examine the composition of the board.

The St John Ambulance Service, as it has been known, is no longer a charity or a government body—a fact which has, as I understand it, given it some difficulties with the tax office which has noted that, because it does not come under the exemptions for certain tax arrangements, the tax office has sought to have a go and take some of its reserves. Hopefully, with this bill, that issue will be resolved. I seek leave to conclude my remarks later, because I have had contact from a constituent who has raised particular issues. I think that they tried to contact me two minutes ago, and I would like the opportunity to put those comments on the record, if that is their desire.

Leave granted; debate adjourned.

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

The House of Assembly agreed to amendments Nos 1 to 4 and 6 to 10 without any amendment, and disagreed to amendment No. 5.

CORRECTIONAL SERVICES (PAROLE) AMENDMENT BILL

The House of Assembly insisted on its amendments to which the Legislative Council had disagreed.

STATUTES AMENDMENT (BUDGET 2005) BILL

Received from the House of Assembly and read a first time.

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill amends the *Land Tax Act 1936* and the *Stamp Duties Act 1923*.

In recent years, South Australia has experienced a strong uplift in property values following an extended period of real term stability.

To address the impact of this increase in land values on land tax liabilities and to reduce bracket creep effects, the land tax threshold and rate structure will be adjusted to provide broad-based relief.

In addition, specific amendments will be introduced to provide additional relief to:

- property owners conducting a business from their principal place of residence, in particular operators of bed and breakfast accommodation;
- land used for caravan parks, residential parks and supported residential facilities;
- land used for primary production in designated rural areas (close to Adelaide and Mount Gambier); and
- persons holding land by way of moiety titles.

The following land tax structure is to apply from the 2005-06 assessment year:

For site values:

- below $110 000 no tax will be payable;
- between $110 001 and $350 000 taxable land ownerships will be taxed at 0.3% on the excess above $110 000;
- between $350 001 and $550 000 taxable ownerships will be taxed at $720 plus 0.7% on the excess above $350 000;
- between $550 001 and $750 000 taxable ownerships will be taxed at $2 120 plus 1.65% on the excess above $550 000;
- between $750 001 and $1 000 000 taxable ownerships will be taxed at $5 420 plus 2.4% on the excess above $750 000; and
- above $1 000 000 taxable ownerships will be taxed at $11 420 plus 3.7% on the excess above $1 000 000.

The maximum benefit is a $2 880 reduction in tax liability for site values between $550 000 and $750 000.

In relation to businesses operating from a principal place of residence, the requirement for the business to occupy no more than 28 square metres in order to retain eligibility for a principal place of residence exemption will be removed.

Effective from the 2005-06 assessment year, a full exemption will be available if the home business activity occupies less than 25% of the floor area of all buildings on the land that must have a predominantly residential character and a part exemption will apply to home business activities that occupy between 25% and 75% of that area based on a sliding scale that moves in 5% increments. No relief will be provided where the home business activity occupies more than 75% of the floor area of all buildings on the land.

These amendments will provide significant relief to bed and breakfast operations undertaken from a principal place of residence as well as other home based business activities.

In addition, a land tax exemption will be introduced for residential parks predominantly used by retired persons over the age of 55 years and retired from full-time employment, who lease land under residential site agreements for the purpose of locating owner occupied transportable homes on that land.

This will deliver similar land tax treatment to that provided to retirement villages where the retired occupants do not own the land on which the retirement units are located but the property is effectively their principal place of residence.

Supported residential facilities licensed under the *Supported Residential Facilities Act 1992* will also be exempted from land tax. Residents of these facilities often have impaired cognitive ability, limited ability to choose where or how they live and limited financial resources. The provision of a land tax exemption will improve the viability of supported residential facilities.

Caravan parks will also be exempt from land tax to encourage the continued availability of low cost holiday options for families.

In relation to primary producers, criteria for determining eligibility for a primary production exemption for owners of land located in "defined rural areas" (close to Adelaide and Mount Gambier) will be amended to broaden eligibility.

For example, previously, in defined rural areas, all owners of primary production land had to demonstrate that their principal business was primary production (by showing that the income derived from the primary production activity was their principal source of income and/or they spent a significant proportion of their working week working on the land). Under the proposals, if a co-owning relative is deriving significant income from other sources (eg, a spouse working as a teacher or nurse), this will not prevent a primary production exemption.

Previously, if a natural person owned primary production land in a defined rural area and was working the land but the primary production business was owned by a company controlled by that person, a primary production exemption was denied. An exemption will now be available in this circumstance.

The proposals contained in the Bill deal with a range of further ownership arrangements that will now receive the benefit of the exemption including, for example, where an owner of the land has retired and a close relative is now substantially engaged in the primary production activity conducted on the land.

A further amendment is made in the Bill in relation to moiety titles.

Undivided share titles (commonly referred to as moiety titles) were often utilised prior to the introduction in the 1960s of the strata titles amendment to the *Real Property Act 1886.*

In an undivided share title ownership, each owner registered on the Lands Titles Office certificate of title owns an undivided share in the whole of the allotment. The land tax liability is currently calculated on the whole non-exempt portions of the allotment. The land tax assessed is then apportioned between the number of undivided share title owners who do not qualify for a principal place of residence exemption.

The current approach is difficult to justify when taxpayers have no effective interest in the other portions of the property and have no rights of occupation, yet their land tax liability is affected by the value of those other parcels.

It is therefore proposed to amend the Act to recognise individual undivided share title owners as owners of their portion of the land for land tax assessment purposes. In this way land tax liabilities will only be based on the value of their particular portion of the property.

Changes to the *Land Tax Act 1923* have an estimated revenue cost of $58 million in 2005-06 and $244 million over the four years from 2005-06 to 2008-09.

Various stamp duty reforms arising from commitments made under the *Intergovernmental Agreement on the Reform of Commonwealth-State Financial Relations* (IGA), signed in 1999 by the Prime Minister and all State and Territory Leaders, will also be given effect through the *Statutes Amendment (Budget 2005) Bill 2005*.

One of the undertakings contained in the Intergovernmental Agreement was that the Ministerial Council for Commonwealth-State Financial Relations would, by 2005, review the need for the retention of stamp duty on:

Non-residential conveyances

- Leases;
- Mortgages, debentures, bonds and other loan securities;
- Credit arrangements, instalment purchase arrangements and rental arrangements;
- Cheques, bills of exchange and promissory notes; and
- Non-quoted marketable securities.

South Australia took action on some of these stamp duties ahead of the scheduled time frame when it abolished cheque and lease duty in the 2004-05 Budget.

Action is now being taken to implement the phasing out of mortgage and rental duty with full abolition of both duties by 1 July 2009. The opportunity will also be taken to abolish a number of minor stamp duties.

Mortgage duty will be abolished in four stages.

From 1 July 2005, stamp duty will be abolished on residential loans for owner occupation, on all forms of loan refinancing, and on mortgage discharges.

Residential loans for owner occupation, including refinancing of such loans, currently attract a stamp duty rate of 35 cents per $100. A higher duty rate of 45 cents per $100 applies to loan refinancing (other than refinancing of residential loans for owner occupation). A fixed $10 charge applies to the discharge of a mortgage.

Remaining mortgage documents will continue to attract stamp duty at a rate of 45 cents per $100 until 1 July 2007 when the rate of duty will be cut by a third to 30 cents per $100. The rate of duty will

further reduce to 15 cents per $100 from 1 July 2008 and will be abolished entirely from 1 July 2009.

Rental duty will also be phased out between 1 July 2007 and 1 July 2009.

The hire of goods under equipment finance arrangements currently attracts duty at a rate of 0.75% of rental income. This duty rate will reduce in three stages to 0.5% from 1 July 2007, to 0.25% from 1 July 2008 and will be abolished entirely from 1 July 2009.

All other rental business attracts duty at a rate of 1.8% on rental income in excess of $6 000 per month. This duty rate will also reduce in three stages to 1.2% from 1 July 2007, to 0.6% from 1 July 2008 and will be abolished entirely from 1 July 2009.

A number of minor stamp duty charges will also be abolished from 1 July 2006 including stamp duty on deeds, caveats, changes to trustee appointments and other conveyances that currently attract a fixed $10 stamp duty.

These stamp duty changes have an estimated revenue cost of $24 million in 2005-06 and $180 million over the four years from 2005-06 to 2008-09.

In addition, the Commonwealth Government has been advised that South Australia will abolish stamp duty on non-realty property transfers and non-quoted marketable securities commencing from 1 July 2009, with complete abolition by 1 July 2010. A separate Bill will be introduced at a later date to implement these initiatives.

I commend the Bill to Honourable Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The Act will come into operation at midnight on 30 June 2005. (Section 4 of the *Land Tax Act 1936* provides that taxes imposed for a particular financial year will be calculated as at midnight on 30 June immediately preceding that financial year on the basis of circumstances then existing.) However, Part 4 will come into operation on 1 July 2006; Part 5 will come into operation on 1 July 2007; Part 6 will come into operation on 1 July 2008; and Part 7 will come into operation on 1 July 2009.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Land Tax Act 1936*

4—Amendment of section 2—Interpretation

Clause 4 amends the interpretation section of the *Land Tax Act 1936* by substituting a new definition of ***land used for primary production***. According to the new definition, this term means land of not less than 0.8 hectares in area as to which the Commissioner is satisfied that the land is used wholly or mainly for the business of primary production.

This clause also inserts a new subsection into section 2. Proposed subsection (3) relates to land that is held under a tenancy in common. If the land is divided into separate portions, and the owner of each undivided share in the land is entitled under a lease registered over the title to the land to occupy a particular portion of the land, then the land will not be treated as a single parcel of land in multiple ownership. Instead, each owner of an undivided share in the land will be regarded as the owner of the portion of the land that he or she is entitled to occupy under the lease.

5—Amendment of section 4—Imposition of land tax

Section 4 lists a number of exceptions to the general rule that taxes are imposed on all land in the State. The exception relating to land used for primary production is amended by this clause so that the exception does not include land that is situated in a defined rural area.

6—Substitution of section 5

The exemptions listed in section 4 include "land that is exempt from land tax under section 5". This clause substitutes a new section 5. Proposed new section 5 provides for the exemption or partial exemption of land from land tax.

Land is wholly or partially exempt from land tax under the section if proper grounds for the exemption exist and the exemption has been granted and remains in force. An owner of land may apply for an exemption, and the Commissioner may, whether or not such an application has been made, wholly or partially exempt land from land tax.

Land that is owned by a natural person and constitutes his or her principal place of residence (whether or not he or she is the sole owner of the land) may be wholly exempted from land tax if the buildings on the land have a predominantly residential character and no part of the land is used for a business or commercial purpose (other than the business if primary production), or the part of the land so used is less than 25% of the total floor area of all buildings on the land.

Land may be partially exempted from land tax by reducing its taxable value in accordance with the scale prescribed in subsection (12) if the land is owned by a natural person and constitutes his or her principal place of residence (whether or not he or she is the sole owner of the land) and the buildings on the land have a predominantly residential character. A part of the land of 25% or more but not more than 75% of the total floor area of all buildings on the land may be used for a business or commercial purpose.

Land within a retirement village may be exempted from land tax if the land constitutes a residential unit occupied by a natural person as his or her principal place of residence or available for occupation by a natural person as his or her principal place of residence and likely to be so occupied at some time during the ensuing 12 months. Land appurtenant to such a residential unit, and land used as a facility provided under the retirement village scheme for the exclusive use of residents (and their guests), may also be excepted from land tax.

Land may be wholly exempted from land tax if the land is a supported residential facility.

Land that constitutes a caravan park may be wholly exempted from land tax.

Land within a retired persons' relocatable home park may be exempted from land tax if the land constitutes the site for a relocatable home occupied, under a lease or licence, by a natural person as his or her principal place of residence. Alternatively, such land may be exempted if it is likely that within the ensuing 12 months there will be a relocatable home on the site owned by a natural person and occupied by the person as his or her principal place of residence. Land that is appurtenant to such a site, or land that is a facility provided by the owner of the land for the exclusive use of residents (and their guests), may also be exempted from land tax.

There are various circumstances in which land used for primary production that is situated within a defined rural area may be wholly exempted from land tax. First, the land may be exempted if the sole owner of the land is a natural person engaged on a substantially full-time basis (either on his or her own behalf or as an employee) in a relevant business.

Second, such land may be wholly exempted if it is owned jointly or in common by two or more natural persons at least one of whom is engaged on a substantially full-time basis (either on his or her own behalf or as an employee) in a relevant business. Any other owner of the land who is not so engaged must be a relative of an owner so engaged.

Third, the land may be exempted if it is owned solely, jointly or in common by a retired person and three conditions are satisfied. Those conditions are as follows:

- the retired person must have been, prior to his or her retirement, engaged on a substantially full-time basis (either on his or her own behalf or as an employee) in a relevant business; and
- the co-owner or co-owners of the land (if any) must be relatives of the retired person; and
- a close relative of the retired person must be currently engaged on a substantially full-time basis (either on his or her own behalf or as an employee) in a relevant business.

Fourth, the land may be exempted if it is owned solely or by tenancy in common by the executor of the will, or the administrator of the estate, of a deceased person. The following conditions must also be satisfied:

- the deceased person must have been, prior to his or her death, engaged on a substantially full-time basis (either on his or her own behalf or as an employee) in a relevant business; and
- the co-owner or co-owners of the land (if any) must be relatives of the deceased person; and
- a close relative of the deceased person must be currently engaged on a substantially full-time basis (either on his or her own behalf or as an employee) in a relevant business.

Fifth, the land may be exempted if it is owned by a company, or by two or more companies, or by a company or companies and one or more natural persons. The main business of each owner must be a relevant business.

Sixth, the land may be exempted if it is owned by a company and one of the following conditions is satisfied:

- a natural person must own a majority of the issued shares of the company and be engaged on a substantially full-time basis (either on his or her own behalf or as an employee) in a relevant business;
- two or more natural persons own in aggregate a majority of the issued shares of the company and each of them is engaged on a substantially full-time basis (either on his or her own behalf or as an employee) in a relevant business; or
- two or more natural persons who are relatives must own in aggregate a majority of the issued shares of the company and at least one of them must be engaged on a substantially full-time basis (either on his or her own behalf or as an employee) in a relevant business.

A business is a ***relevant business*** in relation to land used for primary production that is situated within a defined rural area if—

- the business is a business of primary production of the type for which the land is used or a business of processing or marketing primary produce; or
- the land or produce of the land is used to a significant extent for the purposes of that business.

Proposed subsection (11) provides that the regulations may prescribe additional criteria that must be satisfied if land is to be eligible to be exempted wholly or partially from land tax.

Proposed subsection (12) includes a table comprising a scale for determining a partial exemption to land tax.

Proposed subsection (13) lists some definitions necessary for the purposes of new section 5.

7—Amendment of section 8—Scale of land tax

This clause amends section 8 by substituting a new table comprising a scale for determining land tax.

Part 3—Amendment of *Stamp Duties Act 1923* that takes effect at midnight on 30 June 2005

8—Amendment of section 76—Interpretation

The definitions of ***home*** and ***home mortgage*** are deleted. These definitions are redundant because of amendments made by clause 12 to clause 11 of Schedule 2. Of particular relevance is the introduction into Schedule 2 of a definition of ***home acquisition or improvement***.

9—Amendment of section 79—Mortgage securing future and contingent liabilities

Section 79(2) of the *Stamp Duties Act 1923* describes how duty is chargeable on a mortgage that extends to future or contingent liabilities and is not limited to a particular amount. Paragraph (b) of subsection (2) prescribes the method for determining duty if the amount of the liability secured by the mortgage exceeds the amount for which the mortgage has been previously stamped.

The subsection currently includes two exceptions. This clause adds additional exceptions. The first proposed new exception applies if a mortgage becomes chargeable with further duty under paragraph (b) and the rate of duty payable on the mortgage has decreased since it was previously stamped. In this case, the further duty is to be calculated by subtracting from the amount of duty calculated under paragraph (b)(ii) the amount that would have been already paid if duty had then been calculated and paid at the lower rate.

The second proposed exception applies where a further advance is made under a mortgage that is (until the further advance) wholly exempt from duty or a mortgage that would have been wholly exempt from duty if it had been submitted for stamping immediately before the further advance. The exception applies if, in consequence of the further advance, the mortgage ceases to be of a type that is, or has become, wholly exempt from duty. In this case, duty, or further duty, is calculated on the mortgage as if it secured only the further advance. If duty was paid before the exemption took effect, duty is calculated as if no such payment has been made.

10—Repeal of sections 81D and 81E

Sections 81D (Refinancing of primary producer's loans) and 81E (Refinancing of loan due to rural branch closure) are repealed. The sections are redundant as a consequence of amendments made to Schedule 2 by clause 12, which have the effect of providing an exemption or partial exemption from duty in respect of loans to be applied for refinancing purposes.

11—Repeal of section 83

Section 83 is repealed. The section is unnecessary because of the amendments made to Schedule 2 by clause 12, which have the effect of providing an exemption, or partial exemption, for mortgages securing loans to be used wholly or partially for home acquisition or improvement.

12—Amendment of Schedule 2—Stamp duties and exemptions

This clause amends Schedule 2 of the Act, which prescribes rates of duty and exemptions. Clause 11 of Schedule 2 deals with mortgages and other documents. This clause amends clause 11 by removing the reference to duty payable on a home mortgage. This clause also adds the following to the list of exemptions in clause 11:

- a mortgage securing a loan that has been, or is to be, applied wholly for home acquisition or improvement; and
- a mortgage to secure a loan that has been, or is to be, applied wholly for refinancing purposes.

A mortgage securing a loan to be applied in part for home acquisition or improvement and in part for other purposes is to be liable to duty as if it secured only so much of the loan as is to be applied for the other purposes.

A mortgage securing a loan to be applied in part for refinancing purposes and in part for other purposes is liable to duty as if it secured only so much of the loan as is to be applied for the other purposes.

Definitions of ***home acquisition or improvement*** and ***refinancing purposes*** are also inserted.

A new item is also added to the list of general exemptions appearing in Part 2 of Schedule 2. As a consequence of this amendment, an instrument of discharge or partial discharge of a mortgage or charge is exempt from stamp duty.

Part 4—Amendment of *Stamp Duties Act 1923* that takes effect on 1 July 2006

13—Amendment of section 71B—Partition or division of property

Clause 13 amends section 71B, which applies only in relation to a conveyance for the partition or division of property between members of a family group (as defined in section 71(15)). The section provides that if, on the partition or division of any property, consideration exceeding $200 in amount or value is given for equality, the instrument by which the division or partition is effected will be charged with duty as if it were a conveyance on sale and the consideration equal to the value of the property.

The section is amended by the insertion of a new subsection. Proposed new subsection (2) provides that if the consideration for equality is (in amount or value) two hundred dollars or less, the instrument by which the partition or division is effected is entirely exempt from duty.

14—Amendment of section 82—Unregistered mortgages protected by caveats

Proposed new subsection (1) provides that a caveat under the *Real Property Act 1886* to protect an interest arising

under an unregistered mortgage is liable to stamp duty if the unregistered mortgage is liable to stamp duty and has not been produced for stamping.

Under proposed new subsection (2), the amount of duty chargeable on a caveat to which subsection (1) applies is the same as would be payable on the mortgage if produced for stamping.

15—Amendment of Schedule 2—Stamp duties and exemptions

This clause makes a number of amendments to Schedule 2. A new exemption from the component of stamp duty payable in respect of registration of a motor vehicle is inserted. This exemption provides that an application to register a motor vehicle in, or to transfer the registration of a motor vehicle into, the name of a beneficiary of the estate of a deceased person in order to give effect to the provisions of a will or the rules of intestacy is exempt.

This clause also deletes clauses 5 to 9 of Schedule 2. Those clauses prescribe the amounts of duty payable on the following:

- a conveyance for partition or division of property;
- a conveyance for appointment of a new trustee or retirement of a trustee;
- a conveyance of a kind not otherwise charged;
- a deed or transfer not otherwise specified in the Schedule; and
- an instrument discharging a mortgage or charge over land.

The following exemptions are also added to the list of general exemptions in Part 2 of the Schedule:

- a conveyance (other than a conveyance operating as a voluntary disposition inter vivos) for effectuating the appointment of a new trustee or the retirement of a trustee;
- a conveyance of a kind for which no specific charge, or basis for charging duty, is fixed by the Schedule; and
- a deed or transfer of a kind for which no specific charge, or basis for charging duty, is fixed by the Schedule.

Part 5—Amendment of *Stamp Duties Act 1923* that takes effect on 1 July 2007

16—Amendment of section 31F—Lodgement of statement and payment of duty

The amendments made to section 31F by clause 16 provide for new rates of duty payable in respect of dutiable rental business from 1 July 2007. The amount payable will depend on whether the agreement or contract was entered into before 1 October 2003, after that date but before 1 July 2007, or on or after 1 July 2007.

17—Amendment of Schedule 2—Stamp duties and exemptions

The amendment made by this clause has the effect of reducing the amount of duty payable on mortgages and certain other documents from 1 July 2007.

Part 6—Amendment of *Stamp Duties Act 1923* that takes effect on 1 July 2008

18—Amendment of section 31B—Interpretation

As a consequence of this amendment, the definition of ***dutiable rental business*** will not include business arising from contracts, agreements or arrangements entered into on or after 1 July 2009.

19—Amendment of section 31F—Lodgement of statement and payment of duty

The amendments made to section 31F by clause 19 provide for new rates of duty payable in respect of dutiable rental business from 1 July 2008. The amount payable will depend on whether the agreement or arrangement was entered into before 1 October 2003, on or after that date but before 1 July 2007, on or after 1 July 2007 but before 1 July 2008, or on or after 1 July 2008.

20—Amendment of Schedule 2—Stamp duties and exemptions

The amendment made by this clause has the effect of reducing the amount of duty payable on mortgages and certain other documents from 1 July 2008.

Part 7—Amendment of *Stamp Duties Act 1923* that takes effect on 1 July 2009

21—Repeal of section 81A

The repeal of section 81A by this clause is consequential on the amendments made by clause 22.

22—Amendment of Schedule 2—Stamp duties and exemptions

This clause removes clause 11 of Schedule 2, which prescribes the rates of duty payable on mortgages, bonds, debentures, covenants and warrants of attorney. The clause also adds these to the list of general exemptions in Part 2 of the Schedule.

The Hon. R.I. LUCAS (Leader of the Opposition): I am happy to assist the government in breaking another convention. This bill has only just been introduced, but to assist the government in its endeavours I will speak to the second reading immediately. Because of the way in which the government organises the program, it means that some of the provisions in this legislation, particularly the provisions relating to the Land Tax Act, are intended to take effect from 30 June this year, which, of course, is this Thursday. So, to that end, the opposition is prepared to try to assist the government in its endeavours, as I said, in breaking a number of longstanding conventions about not proceeding to debate straightaway critical issues such as budget and tax issues.

This legislation is the technical side of the appropriation bills and, to that end, I will make my more general comments in relation to the Appropriation Bill in the Appropriation Bill debate. My understanding through my officers' discussions with government officers is that, whilst the technical issues in this bill need to be passed quickly, the Appropriation Bill, as long as it has passed both houses of parliament before the parliament rises, we would have met the imperative for the government. A Supply Bill was passed earlier which provides sufficient resources for the public sector to continue to operate until the appropriation bills pass the parliament. Therefore, my understanding is that the Appropriation Bill debate can take this week and next week and, to that end, I will address my more general comments during the Appropriation Bill debate rather than the technical issues in relation to the taxation changes.

This legislation broadly incorporates two major issues. First, it puts into legislation the next stage of the intergovernmental agreement or the GST deal, if I can term it that way, that was struck between the former Liberal government under John Olsen and the federal Liberal government under Prime Minister Howard in 2000 and 2001. I will not trace all the history of that, but there were some specific obligations in that agreement. There were also some more general obligations—and I use that word advisedly—because they were not specifically written into the intergovernmental agreement. However, as it has come to pass, the state government in South Australia and the federal government have agreed that the spirit of the intergovernmental agreement of 2000 and 2001 meant that a number of stamp duties would be repealed if sufficient GST funding flowed through to the states.

As members will know, the GST deal has been an exceptionally good deal for the state of South Australia. Whilst it has been opposed by the Labor Party in South Australia, I presume it is still opposed by the Labor government here. Nevertheless, it is happy to reap the rewards for the state budget of the GST deal. Put simply, without Treasurer Costello putting the financial gun to the heads of the state treasurers and requiring of them the abolition or repeal of some of these measures, the state of South Australia would have been benefiting by more than $400 million by the end of this forward estimates period. Even with these changes

and the revenue impacts, which are approximately $200 million, it is still estimated that the state will benefit by more than $200 million a year by the end of the forward estimates period.

The benefit to the state for each of the forward estimates years grows significantly from something like $50 million or $60 million a year through to over $200 million a year by the end of the forward estimates period. There is still a lot of money available to the state of South Australia for expenditure, even after these tax cuts have been implemented. Of course, the Rann Government, not averse to a bit of spin of its own, clearly is seeking to benefit politically from the announced tax reductions. Certainly, it has been the role of the opposition to point out that, had it not been for the ultimatum by Treasurer Costello, we would not be seeing most of the tax reductions outlined in this bill.

The same thing can be said in relation to the other key aspect of this bill, which is not part of the IGA, that is, the land tax changes. The work of the Leader of the Opposition (Rob Kerin) on this issue, together with the Land Tax Reform Association and the work done by people such as John Darley and a number of other groups in the community, supported by some sections of the media, I might add—and an honourable mention in this area goes to talkback hosts Leon Byner and, to some degree, Matthew Abraham and David Bevan—placed great pressure on the Rann government in relation to the land tax issue. If it were not for that campaign, led politically by Rob Kerin and members in this chamber—the Hons Nick Xenophon and Julian Stefani—together with the community groups led by John Darley, we would not be seeing these land tax changes in this legislation today. We all have seen—and I will not in this debate go through the detail—the quotes from the Treasurer and the Leader of the Government in this chamber, in essence, dismissing land tax payers as the wealthy end of the community.

The general tenor of the Labor government's approach to the land tax paying community in South Australia was that if they could afford to pay land tax they were lucky. It was only after this combined campaign that the impact of land tax on a much broader section of the South Australian community was brought home to this government. I think Treasurer Foley's position was that it was only the wealthy and Liberal voters who were paying land tax, but the message was hammered home to him by George Apap that it involved other people from working class backgrounds, and, in particular, people from migrant communities, not solely limited to the Italian and Greek communities but certainly well represented therein, as well as people who had provided for their own retirement benefit or superannuation in a particular way through the purchase of rental properties. A number of those people, as they saved up money to purchase another property, did so. That was their form of saving and superannuation and their preparing for their future and the future financial stability of their families.

It was only then that the message started to be hammered home and pressure was placed on the Treasurer, and the Premier in particular. The Treasurer missed the first protest meeting and sent the hapless member for Elder (Hon. Mr Conlon) who disgraced himself (if I can put it that way) in terms of his presentation of the government's position—an attempted defence of the government's position. Even those Labor supporters in the audience who spoke to me afterwards said that they had been embarrassed by the presentation from minister Conlon at that meeting.

He made a number of commitments and, subsequently, no action ensued from those commitments. It was only when Treasurer Foley was required to attend the next protest meeting early this year in the marginal seat of Norwood that, suddenly, something started to happen. Again, I give credit to John Darley and the Land Tax Reform Association, because they went eyeball to eyeball with the Rann government, and Treasurer Foley in particular. It was Treasurer Foley who blinked first rather than the Land Tax Reform Association.

Treasurer Foley did not want to go to that protest meeting in Norwood, and the local member (Vini Ciccarello) did not want him to go to that meeting giving the same answers that minister Conlon had given at the previous protest meeting in the marginal seat of Hartley. It was only then that action ensued. The government had been saying for quite some time that there was no money in the kitty; that, if the Liberals were calling for land tax cuts, they should show which school had to be closed down, which hospital had to be removed, which services—

The Hon. Nick Xenophon interjecting:

The Hon. R.I. LUCAS: Yes, and which hospital services had to be removed. It also said that the Liberal Party could not have it both ways. As I said, for those 12 to 18 months we had a better understanding of what was in the state government coffers than Treasurer Foley was letting on. We knew that he was drowning in GST money, and we knew that he was drowning in property tax receipts. For the first time property tax receipts had gone over $1 billion, and we knew that there was more than enough capacity to provide some measure of land tax relief.

Even with these land tax changes, we will see further increases in land tax revenue collections next year, as well as in the out years, the forward estimate years. Whilst, clearly, some reduction in land tax impost is better than nothing, the state government is still collecting millions of dollars more in land tax receipts this coming financial year than in the last financial year.

[Sitting suspended from 5.58 to 7.50 p.m.]

The Hon. R.I. LUCAS: One of the more complicated aspects of the bill before us to amend the Land Tax Act is the provisions relating to 'defined rural areas'. Put simply, this is a ring which circles the city of Adelaide mainly through the Adelaide Hills. It also is an area that surrounds, for some reason, Mount Gambier. The government has introduced some amendments in this legislation to provide further concessions to a small group of land tax payers in defined rural areas. The second reading explanation states:

> In relation to primary producers, criteria for determining eligibility for a primary production exemption for owners of land located in 'defined rural areas' (close to Adelaide and Mount Gambier) will be amended to broaden eligibility. For example, previously in defined rural areas all owners of primary production land had to demonstrate that their principal business was primary production (by showing that the income derived from the primary production activity was their principal source of income and/or they spent a significant proportion of their working week working on the land). Under the proposals, if a co-owning relative is deriving significant income from other sources (e.g., a spouse working as a teacher or nurse), this will not prevent a primary production exemption.
>
> Previously, if a natural person owned primary production land in a defined rural area and was working the land but the primary production business was owned by a company controlled by that person, a primary production exemption was denied. An exemption will now be available in this circumstance.

The proposals contained in the bill deal with a range of further ownership arrangements that will now receive the benefit of the exemption including, for example, where an owner of the land has retired and a close relative is now substantially engaged in the primary production activity conducted on the land.

That raises a number of questions in relation to the defined rural areas section of the land tax bill. In particular, I ask the government: what is the remaining policy imperative behind this provision in an amended form remaining in the Land Tax Act? The opposition has received continuing representations from, in particular, people involved in the wine industry who believe that even with the changes in this legislation people involved in the wine industry in the McLaren Vale area, for example, are unfairly treated compared to the same people operating in the Barossa Valley, for example, or indeed any other wine-producing area outside of the defined rural area.

I ask the government: what is the remaining policy imperative for retaining the defined rural areas provisions? What work do they achieve by being kept, even in an amended form, in the legislation? In particular, I ask the government: what is the argument for the retention of defined rural areas surrounding the regional city of Mount Gambier as opposed to other regional city locations, whether it be Port Lincoln, Port Augusta, Whyalla, Port Pirie. Murray Bridge, Riverland towns, Barossa Valley towns or, indeed, Victor Harbor and Port Elliot?

I seek from the government an explanation as to why it was introduced in the first place and, secondly, why after this major review it is being kept. I ask the government to outline, should the defined rural area be removed from the area surrounding Mount Gambier, what would be the annual cost to revenue of such a change to the Land Tax Act. Similarly, I also ask whether, if the defined rural area around the city of Adelaide was to be removed, what would be the annual cost to revenue of such a removal and such a change in the Land Tax Act?

It is interesting to note that when the defined rural area was first proclaimed in 1975 the whole of the municipality of Gawler was included in the defined rural area, but it does not now include the whole of the current municipality of Gawler because there has been no change to the defined rural area. It would appear that similar businesses in the municipality of Gawler on either side of the dividing line would be treated in a different way under the Land Tax Act. Similarly, I understand that the 1975 proclamation does not include Mount Barker, which is outside the defined rural area. What is the continuing argument for the current boundary in the Mount Barker area being retained in the way it has been?

The government has provided some information, but I seek to have the government put the answer on the record, that is, the number of potential beneficiaries from changes to eligibility tests for primary production exemption in the defined rural area, broken down to the estimated number of potential beneficiaries in the Adelaide section of the defined rural area and the number of potential beneficiaries in the Mount Gambier section of the defined rural area. I refer to the detailed provisions of the land tax provisions. Having had the advantage of an extensive briefing from Treasury officers (for which I am grateful), they provided me with some breakdown of the individual aspects of the land tax provisions as to what the estimated cost to revenue is. We have been given an annual aggregate figure as to the cost of the land tax exemptions.

I seek from the government before this bill passes a breakdown of the individual estimates for each of the clauses and subclauses (for which it is possible), and an estimate of the cost to the land tax collection base to each of the individual concessions that have been given. I note in some of the briefings I had that two or three of those estimates were given to me. I am aware that Treasury has done the individual estimates, and I ask whether the minister could put on the record the sub-aggregates or constituent parts of the total estimated land tax relief that has been provided as it relates to the individual provisions of the clauses and subclauses.

I want to clarify my understanding of the amendment to clause 6 of the bill, which substitutes a new section 5 of the Land Tax Act. It is subclause 10(g)(v), which refers to the exemption being filed where the land is owned by a company or by two or more companies or by a company or companies and one or more natural persons and where the main business of each owner is a relevant business. Let us take, for example, a married couple, where one's main source of income is as a lawyer and the partner's main source of income is as a teacher, and they have a hobby farm in the defined rural area.

If that particular couple structures its relationship in the way of a company, is it correct that, under this provision, even with the changes, that arrangement (of the lawyer married to the teacher, both earning a significant portion of their income from their legal or education sector jobs), because they have structured themselves as a company, would still attract the land tax exemption in the defined rural area as opposed to some of the other provisions in the legislation, which would appear specifically to rule out such a couple from attracting the exemptions? As I indicated before the dinner break, that is substantially the range of questions that I put on notice at the second reading.

The issues in relation to the stamp duties amendment provisions of the legislation are in accordance with the agreement that has been offered by the state government to the federal government. I seek confirmation from the minister that the federal government has still not agreed to the state government's proposal in relation to the abolition of what is known as the IGA (Intergovernmental Agreement on Taxes). I ask for confirmation on that and whether the government has any indication of when the federal government is likely to say either yes or no to the state government's proposed timetable for the abolition of the IGA taxes. With that, I indicate the opposition's support for the second reading.

The Hon. NICK XENOPHON: I also indicate my support for the second reading of this bill. I will not cover the ground that the Leader of the Opposition quite comprehensively did in relation to the background of this and, indeed, the government's second reading explanation with respect to this bill. Clearly, this bill is a response to the very steep rises in land tax that have occurred in recent years because of the increase in property prices. Let me make this absolutely clear: the increase in land tax has been disproportionately much higher than the increase in property prices—

The Hon. J.F. Stefani interjecting:

The Hon. NICK XENOPHON: I note that the Hon. Mr Stefani, who has been a long time campaigner on this issue, indicates his agreement with that. I was first approached in about October 2003 by a constituent whose property value had risen about 20 per cent or 30 per cent, but there was a massive spike in land taxes because he went into the next threshold, which meant a jump of almost 500 per cent in the rate in the dollar. Whilst there has been some flattening of that, it is still a highly progressive tax that has an impact on

smaller investors, in particular—what I refer to as the 'mum and dad' investors.

I acknowledge, as did the Leader of the Opposition, the work of many on this campaign and also the community campaigners, including Mr John Darley of the Land Tax Reform Association, a former valuer-general of this state, who has a great deal of knowledge of and expertise in land tax issues. My view of Mr Darley is that he is motivated not by political considerations but by justice and equity for those who have to pay land tax. He wants a fairer system. To try and say that Mr Darley is behaving politically, as some have suggested, I think, is quite disingenuous. I find him to be an incredibly genuine and sincere man who wants reform of our land tax system. To a small extent, this bill acknowledges some of those concerns, but it does not go anywhere near far enough.

I note that the Leader of the Opposition has raised a number of questions that will need to be answered before this matter is finalised during the committee stage, but I also have a number of issues arising out of some concerns that Mr Darley has had, and I hope that I can appropriately articulate them. One of the concerns relates to rural properties being used for primary production purposes. Mr Darley has pointed out to me that, if the land is being used exclusively for primary production, for instance, if it is a vineyard owned by a husband and wife who happen to have full-time jobs elsewhere (and that is the example Mr Darley has given me), they are still clobbered with land tax. I would like the government to confirm whether that would still be the case or whether any relief would be given in those instances.

In terms of the issue of the bed and breakfast exemption (which obviously is welcome), I have asked questions in this place before and have spoken about Beverley Pfeiffer, who has had a B&B in the inner suburbs. When I last checked, my understanding was that she was putting her B&B on the market because it was just not economical. She had a room on a property that was being used as a B&B but the land tax was so steep that it just was not economical for her to make even a very modest living out of it.

My understanding from the information I have received (and I would be grateful if the government could assist me in this respect in due course) is that the Valuer-General's office is still working on a system of determining whether a property can fall within the exemption criteria but that the Valuer-General has a fairly broad discretion to determine whether a property falls within the commercial category, in which case the exemption does not apply.

It would be useful if the government could explain what criteria there are on the part of the Valuer-General's office to determine whether a property would be subject to any exemption. The concern of some people about land tax is that, if it is defined to be commercial, the exemption does not operate at all, notwithstanding the percentage use of space. Perhaps I have not articulated that as well as I could, but on the limited information that I have to date there seems to be some concern that the Valuer-General's discretion could knock out a property from availing itself of the exemption.

There is also another issue with respect to quarterly billing. As a general policy, as I understand it, people will be able to apply to have their land tax paid on a quarterly basis, but they need to apply for it, as distinct from council rates, water and sewerage charges and the emergency services levy. That seems to be a curious direction in terms of policy. I also note that the government has made assertions about how much this package will cost with respect to land tax. Can the government simply confirm what assumptions have been made about property values in relation to that? They are my three principal concerns. Obviously these changes are welcome, but they do not address a number of fundamental inequities in the current scheme. They will give relief to some, but they may well be transitory, given the way that property values are still going up, and there appears to be a lag in valuations.

So, with respect to the issue of land for primary production, by way of shorthand, how has the 25 per cent rule been worked out with respect to the exemption as to what the criteria are, including whether land or properties are deemed to be for commercial use? On the issue of quarterly billing, if the government could comment on those in the committee stage or at the end of the second reading stage, I would be grateful.

The Hon. J.F. STEFANI: I, too, rise to make a short contribution and make some observations in relation to this legislation. The government, as has already been said, was dragged kicking and screaming to the barrier in relation to the changes that have been implemented to the land tax regime. A mountain of evidence indicates that the government has reaped enormous amounts of money through the revaluation of properties, which, effectively, represents no real wealth to the persons concerned, because the new valuations are only realised if the property is sold. The community as a whole was embargoed with paying extraordinary amounts of money by way of increases in taxes which, at the last election, the Labor government promised would not rise more than the CPI.

Of course, the government has hidden behind the proposal that this is not its fault; it is the fact that properties are so much more valuable, and people are so much richer and, therefore, they should be parting with some of their wealth. That was the argument advanced on air by the Treasurer, Kevin Foley, who was resisting the changes that he was forced to implement. There was an avalanche of protest, particularly from the ethnic community. Some migrant people were subsidising their pension by renting out a small property to try to help them with their day-to-day costs.

One of the issues that have been strongly advanced relates to the fact that, if properties increase in value—and it is predicted that this year they will be revalued upwards by 20 to 25 per cent—the so-called decrease in land tax rate will very quickly be gobbled up. This is a concern I have and is one many people already share. The indication is that, based on the increased valuations, council rates will go up proportionately. Another aspect to the proposal that has been strongly debated is that land tax should not be increased more than the CPI. This should really be looked at, but, of course, the government is not interested in doing so, because the amount of money flowing in is so large that it is not prepared to jeopardise it.

Another issue that has been raised with me by constituents involves a situation where one person has built two or three flats and occupies one of them as a principal place of residence. There is no relief from land tax for the proportion of the land the person occupies as his or her principal place of residence; therefore, a penalty is imposed on them. This argument has been going on for many years. I think that, when people have made such an investment and occupy one of the flats or apartments in a block of units, the government would do well to recognise the principal place of residence and, proportionately, reduce the land tax charges applicable

on such a property. A number of people are in this situation, and I can speak from my own experience of door-knocking in Norwood, when people complained to me that there was no redress.

I had forgotten to mention one other important point. We have been able to assist a number of people in the cost they bear when they own one, two, or three properties, and we have done so, I might add, in a devious though legal manner. Of course, the legitimate way it can be done is by transferring 1 per cent of the property, and the government is then left with no option but to recognise that it is not an aggregated property. My question to the minister is: what would be the cost to the government if it were to recognise the principle of non-aggregation of property so that we had a system whereby people were not encouraged to use the method I have described, which is legal but which nonetheless overcomes a technicality that exists at the moment? Perhaps he can find the answer and put it on the public record. That would be useful information for members of parliament who have been close to these matters in order that they can at least engage and have some indication of the cost it might be to the budget. With those few words, I indicate my support for the bill.

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

APPROPRIATION BILL

Received from the House of Assembly and read a first time.

STATUTES AMENDMENT (UNIVERSITIES) BILL

Adjourned debate on second reading.

(Continued from 25 May. Page 1924.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise on behalf of the Liberal opposition to support the second reading of this bill. In doing so, I acknowledge the work that has been done in this area by our shadow minister, the member for Bragg (Ms Vickie Chapman). Her comprehensive briefing of her colleagues in the party room and also her comprehensive presentation to the House of Assembly when this bill was debated on 24 May is a very fulsome summary of the opposition's position. I will address only some of the key aspects of the Liberal Party's position in support of the legislation.

I want to say at the outset that we are advised that the pressure on the government, the universities, and now the parliament is that evidently there are new federal funding arrangements, which have offered additional funding if key protocols have been implemented on or before 31 August 2005. Given that we do not have many more sitting days before 31 August 2005, this government seems remarkably reluctant to want to sit this parliament for too many days leading up to the election and, after today's experiences, I am not surprised. We will probably be sitting even less over the coming months, if the hiding the government got in the media tonight is any indication.

However, I will not be diverted. The federal government has required some protocols to be included in university legislation. They cover five broad areas, and they are required protocols. They are as follows:

1. Specify the university's objectives and functions in the legislation.

2. Include the duties of the members of the governing council and any sanctions for breaches.

3. Appoint or elect each council member, except the Chancellor, Vice Chancellor and Presiding Member of the academic board.

4. Incorporate best practice provisions in relation to areas such as conflict of interest, good faith, etc.

5. Specified councils can remove amendment only with a two-thirds majority.

I am advised that those required protocols have essentially been incorporated in our existing universities legislation in South Australia, so they do not significantly impact on matters we have before us this evening.

There were two other national protocols in the recommended, not required, category. One was that at least two council members have financial expertise and one have commercial expertise, and the other was a 12-year limitation on time served by a member of the council, unless by resolution of the council. The state government has decided to take up the option of those two protocols which, as I said, were of a recommended nature only and were not required for the federal funding—they had the option of not proceeding with those two protocols if they so wished or if they disagreed with either of them.

I think that the first one, that two council members have financial expertise and one has commercial expertise, makes good sense. It is self-evident that governing councils of universities, which are multimillion dollar institutions on the national stage, ought to have a certain number of members with financial and commercial expertise as a requirement. In relation to the second protocol, even though the Liberal Party's position (which I support tonight) is not to oppose the state government's desire in this particular area, I am not personally convinced of the efficacy of the limitation on time served by a member of the council. I think that this has become known in state government circles as the Harry Medlin clause—certainly, there are a number of people within the state government, particularly amongst those who advise the state government, who have adopted that general position.

I served with Professor Harry Medlin on the University of Adelaide council for many years, and he was an eminent and outstanding academic representative. I did not always agree with him—indeed, I suspect there was no-one on the university council who always agreed with Harry Medlin—but I think everyone who took the time to listen to his contributions respected the immense knowledge he had, both of university governance issues and of many issues as they related to academic life. As a new member of parliament I certainly enjoyed the brief period of exposure I had to Harry Medlin and his operations on the University of Adelaide council, once remarking to a colleague that I thought there were more politics on that council than there were on North Terrace—I suspect that on occasions that was, and probably still is, true.

I am not one who is of the view that there ought to be some constitutional limitation on someone's time on the university governing council. It is not productive to have no turnover at all on governing councils, but there needs to be new ideas and a mix of those on governing councils who know the historical and corporate backgrounds and who are in a good position to provide ongoing advice and guidance to new people as they come through. Clearly, everyone has

a time that ought to be the end of their contribution to the university governing council and I understand that there is, in this particular provision, a capacity for a resolution of the council to allow continued service. I hope that the University of Adelaide—and, indeed, all our South Australian universities—would interpret that sensibly so that it is not just an accepted course of action that after 12 years someone is automatically cut off in terms of their ongoing contribution to university life and academic debate on the council. Only time will tell.

I am sure that we will be given assurances that it will be interpreted with commonsense. As I said, the assurances are easily given, and only time will tell whether or not it is interpreted with commonsense, and whether or not people, who have an enormous contribution to make to university life, can be allowed to continue to make that contribution. I think that Mr Medlin has circulated a list of a number of members of the university council who have served for periods longer than 12 years, and it is a most impressive list, which includes such academics as Sir Kerr Grant, Sir Langdon Bonython, Sir William Bragg, Sir Edward Stirling, Dr John Bray, Dr Sam Jacobs, Dame Roma Mitchell, Sir Mellis Napier, Professor Peter Karmel and Sir Samuel Way. The list goes on, but I will not read it all. The University of Adelaide has been lucky in the extent of the academic grunt that has been available to it on its governing councils. Clearly, as we move into this new day and age, academic grunt is but one part of the governing council. Financial and commercial expertise, and a range of other experiences, are also important to have on a governing council, and the Liberal Party supports that.

As I said, the Liberal Party does not oppose these two additional national protocols—that is the position as put down by the shadow minister. I have just expressed my personal reservations about at least one of those. I hope that the proviso in the drafting, which allows the continued service of quality people over the 12-year period, will be interpreted sensibly by our universities. With that, I indicate the opposition's support for the legislation. I know that, in another place, debate about Carnegie Mellon was intense, although, evidently, the Premier refers to it as Carnegie Mell-on, so I guess we need to take advice from our Premier in relation to the correct pronunciation of his new university that has been attracted here.

The Liberal Party's position has been to welcome the additional competition, but it notes that the new competitor on the block has been given a leg up with $20 million in funding at a time when our existing three universities are rightly pointing out, 'What about me?', as to why they should not be entitled to either compete for some of the $20 million or, indeed, receive funding equivalent to that of Carnegie Mellon. With that, I indicate the Liberal Party's support for the second reading.

The Hon. KATE REYNOLDS: I rise to indicate the South Australian Democrats' reluctant support for the second reading. I say that it is reluctant because it is unfortunate that this bill has come about because of the bullying by the federal government, but I will speak more about that in a minute. On 10 June, the Australian Vice-Chancellors Committee revealed that unmet demand for university places in South Australia has more than tripled since 2001, and at that time we called on the government to immediately introduce 1 400 additional university places. We were very concerned that South Australia had bucked the trend with our unmet growing demand. In fact, the unmet demand had grown by 27 per cent, which meant that 14 000 South Australians had missed out on a place at university.

This is relevant to the debate on this bill, because the so-called federal reforms which have necessitated this bill have two major flaws, in our view: they make funding increases reliant on universities; and the federal reforms have no commitment to improved indexation. So, sadly, the Prime Minister wants the universities to struggle to meet future wage rises for staff. The Prime Minister's answer is to increase student fees, yet again, which is something that university staff do not want, students cannot afford and the Democrats condemn.

We acknowledge that the potential loss, if this bill is not passed by 31 August this year, amounts to about $20 million to South Australian universities in 2006. Now, South Australia cannot afford that, in our view, and students certainly cannot afford that. However, I would like to place on the record that, coincidentally, this is the exact amount that the Rann Labor government is handing over as a gift to an already wealthy private American university, Carnegie Mellon University. So, in our view, threatening funding cuts to universities, undermining their cooperative and effective staff and management relationship, and increasing university administrative costs is no way to run a public higher education system. In our view, providing only partial funding to universities and then demanding 100 per cent control is not on. The national government's protocols that this bill is seeking to meet are not all bad, but it is bad that they are linked to a 2.5 per cent increase in funding.

In relation to the specifics of the bill, we have some concerns about the clauses that relate to the sections for each university about the representation of students. It is our view that students should be elected by students and not appointed by the council or elected by some other group, but clearly the numbers are not going to be with us on that one, so we are not going to bother seeking to amend it. However, we are very concerned that the wording of those particular clauses—and I will mention this when we come to the first one, which I think is clause 8.4—is too loose and is potentially open to abuse by university management. So, we would have been much happier to see that wording tightened up.

The sections that relate to the definition of the best interest of the university, that is, in relation to the responsibilities of members of council, are also too broad, in our view. Again, there are three sections in the bill that relate to that one section for each of the universities, starting with section 18A(b). We believe that it is because the bill does not specify who is going to interpret what is, in fact, in the best interest of the university nor who determines whether a member has or has not acted in the interests of the university that this will be problematic. It is also problematic because there are provisions in the bill that allow for the removal of members of council from office if they breach this requirement which, again, in the view of the South Australian Democrats, opens up the possibility for senior members of council to bully others by claiming that they are not acting in the best interests of the university. It is such an abstract term that we can imagine that many students would probably consider that numerous council decisions are not in the best interests of the university but, because of the numbers on council, they would never be successful in preventing such decisions.

On a specific note, I will flag for the minister that we have a question about the provision in the bill for protecting

university titles and logos, and we would seek the minister's clarification about whether or not this means that student associations using the university title as part of their name could be accused of breaching those provisions. So, if the minister can clarify that, we would be very grateful. It is difficult to argue against the potential loss of $20 million. We are in a position where we have to take a pragmatic approach to this, and so we indicate, as I said earlier, our reluctant support for the second reading of this bill.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank honourable members for their contributions and indications of support for this important piece of legislation. I have noted the comments requiring responses and will deal with those issues and clarifications at the committee stage. I look forward to its speedy passage through this chamber and I again thank honourable members for their contributions.

Bill read a second time.

The Hon. CARMEL ZOLLO: Mr President, I draw your attention to the state of the council.

A quorum having been formed:

SITTINGS AND BUSINESS

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I move:

That standing orders be so far suspended as to enable me to move that the order made this day for Order of the Day Government Business No. 9 to be an order for the next day of sitting be discharged and for this Order of the Day to be taken into consideration forthwith.

Motion carried.

The Hon. P. HOLLOWAY: I move:

That the order made this day for Order of the Day Government Business No. 9 to be made an order of the day for the next day of sitting be discharged and for this Order of the Day to be taken into consideration forthwith.

Motion carried.

STATUTES AMENDMENT (RELATIONSHIPS) BILL

Adjourned debate on second reading.

(Continued from 1 June. Page 2068.)

The Hon. G.E. GAGO: The relationships bill seeks to amend around 92 state acts so that same sex and opposite sex de facto couples are treated in the same way under the majority of South Australian laws. A great deal has been said already in this chamber on this matter, so I do not intend to repeat those points already made. I have spoken on these types of issues on a number of occasions in this chamber, including in relation to the introduction of extending superannuation entitlements to same sex couples. I also spoke recently when delivering the Social Development Committee's report into an inquiry into the relationships bill in late May this year. So, I am already on the record in relation to my views on this matter. Needless to say, there are a number of things that I think are important to place on the record today.

Social fabric is built on loving and committed relationships. The law has long recognised this by granting a range of rights, benefits and protections, and responsibilities for people in relationships, including married couples, unmarried de facto couples, family members and people in other caring relationships. All these relationships are recognised in a variety of ways across all fields of law, but, most commonly, we give recognition to couple relationships—married couples and unmarried de facto couples. This is because it is in couple relationships more than others that society recognises love, mutual interdependence and shared commitments. We recognise those attributes as most likely to occur in couple relationships.

Ahead of its time, South Australia first recognised unmarried de facto couples in statute law some 30 years ago in the Families Relationship Act 1975. With the passage of the De Facto Relationships Act 1996, South Australia expanded this recognition to place de facto couples on an equivalent footing to married couples by creating a statutory scheme for property adjustment in case of relationship breakdown mirroring federal laws dealing with marital breakdown. For all intents and purposes, married couples and unmarried de facto couples have the same level of recognition across our legal system. However, it is well documented that the various definitions of de facto partner that apply in our law do not at present extend to same-sex partners.

Indeed, it was during debate on the De facto Relationships Act that the issue of recognising same-sex partners in South Australian law was first raised in this parliament nearly 10 years ago. Over the last five years, same-sex partners have been recognised in every Australian state and territory apart from South Australia. Since 2003, South Australia has provided recognition for same-sex partners in state superannuation laws. Federally, same-sex partners are also recognised in superannuation, immigration and anti-terrorism laws. Countries across the world continue to extend legal recognition to same-sex partners. When this bill was first introduced, some 25 countries recognised same-sex partners.

In the last year, while we have been debating this legislation, laws recognising same-sex partners have been implemented in the United Kingdom, South Africa, California, New Zealand, Connecticut, the District of Columbia, Andorra and Israel. Not only are same-sex partners recognised across the European Union, parts of eastern Europe, the Americas, South Africa, New Zealand and the rest of Australia, but laws recognising same-sex partners are proposed in places as diverse as Poland, Romania, Slovakia, Taiwan, Ireland, Greece, Oregon, Italy and New York.

Just this month (5 June), Switzerland voted to recognise same-sex partnerships, and the Spanish senate is about to vote on legislation granting nationwide marital rights to same-sex partners. Across the world today, same-sex partners are recognised fully or partially in 35 countries. South Australia—once the pacesetter—is clearly dragging its heels. When this bill was first introduced, the Legislative Council referred it to the Social Development Committee for public inquiry. I am the Presiding Member of that committee. I have spoken on previous occasions on the detail of the committee's findings in relation to that inquiry, as well as the detail of the recommendations handed down by that committee.

In accordance with the wishes of members of the Legislative Council, the inquiry was given priority by the committee, with supporting resources made available by the government, so that it could be conducted expeditiously, and it did that. Although we were conscious of the need to complete our inquiry to allow time for debate on the bill to proceed, we also made time to consider all viewpoints that were made in submissions, including late requests to appear before the committee. The committee was comprehensive in its

consideration of views relating to the general implications of the bill in society, which related to a broad range of issues.

As members know, the government had already conducted detailed public consultation on the draft bill in 2003—consultation that had unprecedented public interest, with some 2 216 responses of which 52.4 per cent were in favour of recognising same-sex partners. The Social Development Committee inquiry built on this consultation, hearing evidence from 37 witnesses receiving 2 301 submissions of which some 57.6 per cent were in favour of this bill. While there is a balance of support for recognition of same-sex partners in both these inquiries, including from a wide variety of community organisations, these figures do not tell the whole story.

It is important to note that the vast majority of submissions made to the Social Development Committee that opposed the bill were, in fact, concerned with particular aspects, specifically the definition and terminology used and the mechanism for passing on entitlements, and did not generally express opposition to the specific entitlements that the bill would assign to same-sex partners. In fact, in their entirety, very few submissions were received opposing the bill and the entitlements.

It is fair to say that those who oppose recognising same-sex partners in any form are unlikely to be satisfied with anything other than the defeat of this bill. As has been noted by some, the bill has been revised in response to various concerns raised in submissions—concerns raised either as concerns or opposing the bill in its original form. In my view, the revised bill with its amendments presents a very fair compromise and addresses the reasonable concerns that were raised.

Few would disagree that all stable loving relationships (including those which care for and rear children) have benefits for individuals and society and therefore should be acknowledged and supported. Few would deny the key finding of the Social Development Committee in its report that there is ample evidence of unjustifiable hardship and expense experienced by same-sex partners under current laws which do not offer them any form of recognition.

Over the last six years Australia has had some 12 inquiries—I repeat: 12 inquiries—into the recognition of same-sex partners. As with those other inquiries, the public hearings of the Social Development Committee provided opportunities again for same-sex partners to put on the public record their often tragic stories of disadvantage, prejudice and discrimination which they often experience. Laws about relationships exercise an enormous influence over us, often at times of greatest crisis in our lives such as death, illness or relationship breakdown. That is when these laws become most important.

We should not forget that laws about relationships can affect children, too, if the relationship is not provided with adequate legal recognition. According to the last census, there are at least 2 300 same-sex partners in South Australia, 300 of whom are raising children, although these statistics are acknowledged to be under-reported by the Bureau of Statistics. For these 2 300 same-sex partners and those 300 who are raising children exclusion from the law causes unnecessary and unfair disadvantage which cannot be remedied other than through legislative change.

We should acknowledge that this bill also benefits single gay, lesbian and bisexual South Australians by providing legal recognition for any future same-sex relationship that they may enter into. We should not forget that legislation also has a symbolic role in that this bill will send a strong message that we accept difference in South Australia and that we do not believe that difference should lead to discrimination of disadvantage.

Whether you accept the statistics of Alfred Kinsey, the Festival of Light or other studies, there are thousands of gay, lesbian and bisexual South Australians. It is well documented that prejudice and discrimination faced by gay, lesbian and bisexual people contribute to obstacles in accessing health care, depression, youth suicide, victimisation, and violence and unlawful discrimination under equal opportunity laws. We should not underestimate the benefits this bill will have more broadly in reducing prejudice, discrimination and disadvantage that thousands of gay, lesbian and bisexual South Australians experience, whether single or in a relationship.

Importantly, the revised version of this bill also takes account of concerns that this bill would undermine marriage—another important symbolic issue. I must congratulate the Hon. Michael Atkinson and the Hon. Stephanie Key, the ministers responsible for the introduction of this bill in the first place, for their prompt reintroduction of the amended bill. The report of the Social Development Committee was tabled on only 24 May this year and the bill was reintroduced within a number of weeks, which I believe demonstrates the real commitment of this government to address this form of discrimination.

The revised bill includes amendments suggested by the Catholic Archbishop of Adelaide (supported by a number of other church organisations) which clearly differentiate between marriage under federal laws and recognition of de facto partners under state laws, and it gives greater recognition to the status of marriage compared with the original bill. The revised bill also addresses concerns raised by the Association of Independent Schools, which were outlined in my Social Development Committee report in relation to this inquiry, so I will not go into that detail. But it certainly provides greater clarification in relation to their ability to conduct their school teachings in accordance with the principles and philosophies of the religion underpinning those schools.

While much attention has been focused on the benefits of this bill for same sex partners, we should not forget that this bill also introduces important reforms that will benefit all de facto partners, of which there are 110 000 in South Australia according to the last census. The bill proposes to lower the cohabitation period from five years to three years in line with the rest of Australia, make it easier to seek a declaration before the courts and correct anomalies in 20-odd laws that recognise married couples but do not recognise de facto couples.

Legislative reforms often follow rather than precede changes in social attitudes, and later this year will be the 30th anniversary of the decriminalisation of homosexuality in Australia. It was through the pioneering efforts of small 'l' liberals such as Murray Hill, with the support of the Dunstan government, that South Australia 30 years ago led the nation in recognising and accepting homosexuality. Coincidentally, it was 30 years ago that parliament also enacted laws recognising de facto partners—again, an Australian first. What better time is there to pass this bill but now, 30 years on from when this parliament and the South Australian community first embraced social acceptance of homosexuality and first recognised de facto couples in our law? In conclusion, I hope that it will be in the same spirit of political

collaboration and the same shared commitment to social justice that unites many of us in this community that this parliament will support this bill.

The Hon. KATE REYNOLDS: As I hope all members here understand very well, the Australian Democrats have been staunch advocates for equal rights for same sex couples. We spoke in the lead-up to the inquiry when the bill was referred to the Social Development Committee, and we have welcomed the Social Development Committee's report. I do not intend to repeat all the comments that have been made by the government, except to say that we wholeheartedly welcome this bill and look forward to the debate in the committee stage. We hope that it will not be prolonged. So, in the words of many of the people who have contacted us during the past 12 months of debate in the lower house and during the inquiry, we say: we welcome the bill and bring on the debate.

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

ADJOURNMENT

At 9.05 p.m. the council adjourned until Tuesday 28 June at 2.15 p.m.