LEGISLATIVE COUNCIL

Thursday 15 September 2005

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

STATUTES AMENDMENT AND REPEAL (AGGRAVATED OFFENCES) BILL

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

That the sitting of the council be not suspended during the continuation of the conference on the bill.

Motion carried.

ABORTIONS

A petition signed by 86 residents of South Australia, concerning abortions in South Australia and praying that the council will do all in its power to ensure that abortions in South Australia continue to be safe, affordable, accessible and legal, was presented by the Hon. Sandra Kanck.

Petition received.

GENETICALLY MODIFIED CROPS

A petition signed by 232 residents of South Australia, praying that the council will amend the Genetically Modified Crops Management Act 2004 to remove section 6 of that act, was presented by the Hon. Ian Gilfillan.

Petition received.

QUESTION TIME

GOVERNMENT TENDERS

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Minister for Transport a question about government tendering.

Leave granted.

The Hon. R.I. LUCAS: Earlier in the week, I asked a question in relation to the government's tendering processes for bus contracts as outlined in the Auditor-General's Report tabled earlier this week. I note conversations that I have had with the two commentators, who have past experience in this area, who commented to me that in their judgment the Auditor-General had been extraordinarily generous in his treatment of the Minister for Transport in the way the process had been conducted.

I raise two further issues by way of question. On page 79 of the report, under the heading 'Maintaining Confidentiality and Security', the Auditor-General noted that members of the Public Service involved in the tender process were not required to execute confidentiality deeds in order to access a tender and evaluation documentation. Further on, the Auditor-General noted the following:

Whilst in no way suggesting that this did take place, Audit's review has indicated that it would have been physically possible for a member of the tender evaluation teams to remove confidential tender/evaluation material from the secure tender rooms undetected. Given the importance and sensitivity of this tender process, i.e. a tender of several hundred million dollars, I am of the opinion that consideration should have been given by the Department of Transport and Urban Planning to providing for security guards to be posted at each secure room in order to monitor and ensure that no confidential material was removed from these rooms at any stage during the course of the project. I note that this level of security has been adopted by the State for previous sensitive and large scale tender processes including SA Water and the sale of the electricity assets of the Electricity Trust of South Australia.

As I said, concern has been expressed at the lack of consideration of confidentiality and appropriate security arrangements conducted by the Minister for Transport and the Rann government in relation to this contract.

The second issue that I want to mention is referred to on page 23 where the Auditor-General refers to the proposed contracts, stating:

The proposed contracts provided for the Minister to require implementation of variations to services, subject to compensating the contractor if the changes involve additional costs to the contractor, and for contractors to implement minor variations to services, in accordance with specified guidelines. Provision is made for the Minister and contractors to work together to identify service improvement initiatives which will maximise patronage of and the efficient use of resources in the provision of services, both within the contractors' service areas and between service areas and with other forms of passenger transport.

My questions are:

1. Why did the minister not insist on the same level of security and confidentiality arrangements as had been insisted upon by the previous government in relation to the SA Water deal and the sale and lease of the assets of the Electricity—

The Hon. P. Holloway: You're joking, aren't you?

The Hon. R.I. LUCAS: I have just read from the Auditor-General's Report, who said that it did not happen. Is the member disagreeing with the Auditor-General?

The Hon. P. Holloway: No; I am disagreeing with you.

The Hon. R.I. LUCAS: No; this is the Auditor-General. For the benefit of the Leader of the Government, I highlight again that these were the concerns raised by the Auditor-General in the report tabled this week.

2. Can the minister indicate whether the minister did require, as outlined on page 23 of the report, any implementation of variations to services? If so, what were the details of any variations to services that the minister approved?

3. Did the minister and the contractors work together to identify any service improvement initiatives either during the signing of the contracts or since the signing of the contracts which, as outlined on page 23 of the report, will maximise patronage of and the efficient use of resources in the provision of services of these varying contracts?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): As I indicated the other day, I believe that the current Minister for Transport was not the minister to whom this applied, but I will refer the question to him. He will have to see—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I am not sure who the minister was at the time, but it was not the current minister.

The Hon. R.K. Sneath interjecting:

The Hon. P. HOLLOWAY: That is right. I am pleased that the Hon. Mr Sneath has reminded everybody about how the privatisation of our public transport system came about. It was the coalition opposite. Of course the Liberal Party has form, as we are now seeing with what is happening with Telstra. It is a very sad day in this country's history that Telstra has been privatised. We saw the great courage of Senator Joyce in relation to that matter, and I noticed the stance of the Family First senator on the matter and was very pleased he opposed it because of the impact it would have on Australian families. However, we are digressing.

The point I was making was that the Leader of the Opposition's first question asked why the minister did something. The question obviously referred to a previous minister and I do not know whether the current minister can provide that information; however, I will refer the question to him and bring back a reply.

COURT DELAYS

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 court delays.

Leave granted.

The Hon. R.D. LAWSON: As is well-known to practitioners in the criminal jurisdiction, the courts are presently allocating trial dates more than 12 months after the date of first arraignment of the person charged. This fact was confirmed at a meeting in Parliament House earlier this week when the Chief Justice and other members of the judiciary gave a briefing to members. You were present, Mr President, and I am sure you appreciated the frank discussion.

The Chief Justice was, in fact, asked about this matter during estimates committees this year, and at that time he said, '. . . we aim to get through 80 per cent of cases within 180 days. . . ' This is a particular standard adopted in South Australia. He said:

> The troubling part is that until about six or seven years ago we were getting through 60 per cent to 70 per cent of cases within 180 days, and then it started to decline, and it has continued to decline—and now it is down at, you might say, the almost ludicrous level of 11 per cent last year, rather than 80 per cent.

The Chief Justice went on to say that, '. . . the honest answer is that we do not know what has changed. There are so many things that can affect the rate at which you dispose of cases.' He further went on to say:

> . . . our preliminary view is that the main factor is the time being taken by the parties to get ready, and that, in turn, is no doubt due to a whole range of factors, and we will never know them because, putting it very broadly, they are internal to the police, the DPP, the Legal Services Commission and also, you would have to say, to the legal profession. . .

The Chief Justice said that Messrs Bill Cossey and Kym Kelly had been appointed by the Courts Administration Authority to examine this question, and the Attorney-General chipped in that the standing committees of Attorneys-General had discussed criminal trials.

The Attorney himself would be well aware of the delays. The case in which he gave evidence earlier this year involved the accused being charged in August 2003—Mr Randall Ashbourne, who was charged at the same time that the DPP said that Mr Atkinson would not be charged. Ashbourne appeared in the Magistrates Court in February 2004 and entered a plea of not guilty. He was formally arraigned in July 2004 and the trial did not begin until June this year. As the council is well aware, the Attorney-General, in his meetings with the Chief Justice of the Supreme Court, frequently spends his time reading *The Advertiser* form guide—

The Hon. P. HOLLOWAY: I rise on a point of order. That is clearly out of order in relation to the question.

Members interjecting:

The PRESIDENT: Order! When you say 'clearly' it could well be interpreted as opinion, and it is not necessarily clear to me but clear to you. I ask the honourable member to be very wary about introducing opinion in his questions.

The Hon. R.D. LAWSON: Thank you for your guidance, Mr President, and I will stick to the facts—as I have. My questions are:

1. Given the Chief Justice's ready acknowledgment, not only in estimates but also in the annual report of the judges, that these delays are unacceptable, what action has the government taken to reduce the time delays?

2. Has the government made any examination, apart from the Attorney-General's reference to the fact that the matter has been discussed at the Standing Committee of Attorneys-General?

3. Given that the Chief Justice has expressed the view that these matters are internal to the police, the DPP, the Legal Services Commission and the legal profession, in so far as the government is responsible for the police and the DPP what action or inquiries has the Attorney-General taken to ascertain what steps those agencies can take to improve the unacceptable backlog in our criminal courts?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that question to the Attorney-General and bring back a reply.

PORT STANVAC OIL REFINERY

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Industry and Trade a question about industrial development in South Australia.

Leave granted.

The Hon. A.J. REDFORD: In April this year the Minister for Infrastructure (Hon. Patrick Conlon) issued the State Infrastructure Plan. The foreword in that infrastructure plan states:

> . . . this document identifies the range of opportunities for infrastructure development. . .

Page 11 states:

> The government will negotiate access to surplus Port Stanvac land for industrial use and investigate other investment opportunities for industrial sites in the south.

Page 57 states:

> The most significant areas of vacant land are located at. . . Port Stanvac.

On the same page it states:

> There is a need to reserve land at Port Stanvac for future industrial development, once ownership and other matters have been resolved with Mobil.

Page 60 of the document, referring to the Port Stanvac land, states:

> Pursue alternative uses of Port Stanvac land
> Lead—state government, local government: priority 1.

At about the same time in April the minister also issued the document entitled 'Planning strategy for metropolitan Adelaide'. Page 31 of that document states:

> Ensure the identification and availability of suitable land for industrial development in the southern suburbs including actively pursuing Port Stanvac for heavy industrial development.

My questions are:

1. What plans does the government have for the Mobil land at Port Stanvac?

2. What is the meant by the term 'priority one' in the infrastructure plan?

3. Has the government identified any use for that land currently occupied by Mobil?

4. When does the government anticipate the commencement of any development relating to that Mobil land?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): The land at present is owned by Mobil. I am sure the Hon. Angus Redford is well and truly aware of the situation in relation to that land; he has enough comments about it in the *Southern Times* messenger to convince me that he certainly knows full well what the situation is in relation to that land. The point is that there has been an agreement between the government and Mobil, between my colleague the Treasurer and Mobil. I was not party to that agreement, but, as I understand it, some time in the middle of next year, I think, Mobil has agreed to make a decision about the future of that site. Again, as my colleague the Treasurer has pointed out, if they cannot make a refinery work when petrol is $1.33 a litre—and it has been as high as $1.39 a litre—and the return to refiners is at the highest it has ever been, when will that ever be the case?

Nonetheless, the point is that the refinery at Port Stanvac is owned by Mobil, and until such time as it disposes of that land, there is really very little that the state government can do in relation to determining what the future of that land might be. More recently, of course, a significant parcel of land at the Mitsubishi site at Lonsdale, which is right next door, has come on the market. The Department of Trade and Economic Development had a key interest in the future of that land, in conjunction with the Land Management Corporation. In the end, that land was sold to a private bidder. The details of that have been announced in the past day or two. Obviously, both my planning department and trade and economic development department will be working closely to ensure that that industrial land—

The Hon. A.J. Redford: There are no plans for that land. There is nothing there. You have sold it; that is what you have done.

The Hon. P. HOLLOWAY: The Mitsubishi land, yes, indeed we will be ensuring that that land is used for industrial purposes. Already, as a result of the intervention of the Department of Trade and Economic Development, in conjunction with the commonwealth government, a new company, Fibrelogic, has located on that land. Five hectares of land on the Mitsubishi site have been sold off to bring companies to this state, and that will happen in the future. What we are doing with that land is bringing other companies into South Australia. It will become an industrial park—

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. I made no reference in any explanation about Mitsubishi land or land at Lonsdale.

The PRESIDENT: Order! The honourable member will resume his seat.

The Hon. A.J. Redford: Can the minister be asked directly to address the question?

The PRESIDENT: There is no point of order. There is too much of this business of members calling a point of order when they want to argue the merits of either side of the argument. There is no point of order.

The Hon. P. HOLLOWAY: Quite clearly, the Hon. Angus—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Disagreement is not a point of order.

The Hon. P. HOLLOWAY: I thought the honourable member would have had some interest in the land that is adjacent to Port Stanvac.

The Hon. A.J. Redford: I have.

The Hon. P. HOLLOWAY: If the honourable member asks a question about industrial land in the south—

The Hon. A.J. Redford interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Why would he not be interested in knowing about it?

The Hon. A.J. REDFORD: Mr President, I rise on a point of order. The minister has said that I have no interest in the Lonsdale land. The point is that I want him to answer the question about the Mobil land. It is very simple.

The PRESIDENT: Order! The honourable member will resume his seat. If the honourable member does it again, I will name him for defying the chair.

The Hon. P. HOLLOWAY: I have already informed the honourable member that the land will remain in the ownership of Mobil at least until next year. Until Mobil vacates that land, obviously there is a limit on what the state government can do. That is transparently obvious to anyone, I would have thought. As to the other question, priority one means top priority. It is all defined in that infrastructure document. If the honourable member cares to read it, he will see what the definition of priority one is because it is in the statement.

The Hon. A.J. REDFORD: As a supplementary question, if priority one means top priority, what does that mean; and, in those terms, will the minister give us some time frame as to when he expects some development to occur?

The Hon. P. HOLLOWAY: How can we say at what time development will occur on land which is owned by a company that has not yet determined what to do with it? Mobil will either resume activities—although, as I have already said, it is unlikely that that will happen—or else it will come to some agreement in relation to the disposal of that land. However, until it does and we know to whom it disposes the land and all those issues are negotiated, clearly how can we say what will happen to that land? What we do know is that there is a significant shortage of industrial land, particularly in the southern suburbs, but it is also increasingly becoming a problem across the whole state—

The Hon. D.W. Ridgway interjecting:

The Hon. P. HOLLOWAY: I told members the time frame. Mobil has until the middle of next year to make a decision, as I understand the agreement. I will get the information. As I said, I have not negotiated the plan, but we know that in the middle of next year, or some time around about then, Mobil will make a decision. After it has made that decision, presumably a time frame for either resuming operations or disposing of the site in some way will take place, and that is when these decisions can be made.

The Hon. A.J. REDFORD: I have a further supplementary question. Given the minister's answer that Mobil must make a decision next year, will the minister give us an assurance that something will happen in terms of industrial development within the next five years?

The Hon. P. HOLLOWAY: I cannot give any assurances about what Mobil will do. It might do all sorts of things. From the state government's point of view, it is the top priority of the government to get industrial development on the land. We are pursuing that through the Mitsubishi site, because that has at last become available and already we have had some companies locating there. Obviously in relation to the future of the Mobil site, we will address that as soon as it becomes available—unless the honourable member is suggesting that the state government should compulsorily acquire it at this stage. If he is going to put that as part of his election policy with a commensurate commitment of funds,

then let him say so. But until such stage as that company disposes of the land there is not much we can do.

The Hon. A.J. REDFORD: A further supplementary question: given that the minister has repeated that this Port Stanvac land is priority number 1, how can that sit with the fact that this government has given Mobil until 2019 to clean up and vacate the site?

The Hon. P. HOLLOWAY: As I indicated earlier, it is my understanding that Mobil will make a decision at some stage in the near future in relation to that site.

The Hon. A.J. Redford: In 2019; and you're saying it's priority number one. That's what you think of the people in the south—15 years!

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Here is somebody who did not even know where the south was. 12 months ago he had never even been there, and suddenly he is an expert on it. I spent most of my life, since I was three years old up until fairly recently, living in the southern suburbs. I went to high school down there. I know far more about the subject—

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY: Well, that is in that southern area, and I know far more about the area than does the Hon. Angus Redford.

CROC FESTIVAL

The Hon. G.E. GAGO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Croc Festival.

Leave granted.

The Hon. G.E. GAGO: I am aware the minister is a keen supporter of the Croc Festival and the many benefits that it brings to indigenous kids and their families. Given this, my question to the minister is: will he inform the council of this year's Croc Festival?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation:) I thank the honourable member for her question and her interest in the bush, as with the member sitting alongside her, the Hon. Mr Sneath. Unfortunately, I was unable to attend the Crocfest this year. However, the Premier attended and officially opened the event. The Crocfest has been running in the rural and remote regions of Australia for the past five years, carrying the broad message: 'Respect yourself. Respect your culture.' The festival provides the opportunity for school students, their families and teachers to work together as a community to learn and celebrate their culture. They also have performances that reflect culture and heritage. It is all enjoyed in a spirit of friendship and reconciliation, and Port Augusta has been a perfect venue for the site of the Crocfest.

Over 3 000 students from 57 schools across the state converged in Port Augusta during late August 2005 and, for members of the council who have not attended a Crocfest, I would recommend that you do because the amount of enjoyment that people get, particularly children from remote and regional areas, is immense. Over 3 000 students, 57 schools and the broad community participate to assist the Croc Festival organisers to put the whole program together. It is the fourth year in a row that the local community of Port Augusta has put its hand up to hold the festival and it is done at considerable expense. Port Augusta is a hub for Aboriginal communities.

It is a real meeting place and the Aboriginal community is proud to show off what it can do, particularly the children. Crocfest is an excellent example of how the commonwealth, state, territory and local governments cooperate, and the non-profit organisations, community groups, industry, retail and commercial sectors of Port Augusta all pitch in. It is a program that has been funded in part by the state government and it does benefit young indigenous and non-indigenous students and their communities. The festival is designed as a vehicle to motivate and inspire young indigenous and non-indigenous students in rural and remote areas of our nation to attend school more regularly, and there are a number of other spots around Australia where the Crocfest is held and where it has a similar effect on local communities. It also encourages children to attend school more regularly, stay at school, lead a healthy lifestyle and work towards acquiring the skills necessary to obtain employment.

Activities here included the many facets of education, arts, career and cultural workshops, including a fire performance workshop and a drug and alcohol education workshop. The festival is open to members of the general public, including sporting fans, with cricket, netball, rugby and tennis activities. Evonne Goolagong shared her experience and expertise at a tennis coaching clinic this year. The Croc Festival aims to embrace health, education, employment and performing arts in the spirit of reconciliation.

Again, I would urge all members to attend the next Crocfest, by way of invitation if necessary, or just by presenting themselves. They will be made a fuss of by the organisers as they like to see members of parliament from all walks of life and from both sides of the chamber attending in a bipartisan, spiritual connection with their communities.

NATIVE VEGETATION

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about illegal clearance of Beach Road vegetation.

Leave granted.

The Hon. SANDRA KANCK: I was pleased this week to get an answer to a question that I had asked on 24 May 2004. Why it took quite so long I do not know because it did not require a great deal of research. It was about the illegal clearance of vegetation on Beach Road at Noarlunga earlier in 2004. The answer I received has certainly widened my eyes about the way government operates. We are talking about vegetation that the Adelaide Plains Native Flora Association described as 'ancient' and yet, according to the answer that I have been given, a whole of government strategic land use assessment was undertaken by the planning division of the Department of Transport, which concluded that this parcel of land should be developed primarily for a range of large-scale, bulky goods facilities, such as retail showrooms and hardware stores. How you get to a decision that land that has pre-white settlement vegetation on it is suitable for large-scale, bulky goods facilities defies any sort of comprehension. The answer goes on to tell me that all government agencies were consulted in accordance with established processes for the disposal of surplus land. My questions are:

1. Which agencies in the minister's department were consulted?

2. What advice was given during that consultation about species and ages of the native vegetation on the land?

3. What was the response of each of the agencies under his control?

4. What legal proceedings were taken against the owner of the land for the wholesale destruction of this unique allotment of native vegetation?

5. What was the outcome of those proceedings?

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

HOUSING TRUST

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Housing, a question about the South Australian Housing Trust.

Leave granted.

The Hon. A.L. EVANS: A constituent recently contacted me to raise a concern regarding the South Australian Housing Trust. On the day the lady moved into her Housing Trust property she saw, to her disappointment, that the property had not been adequately cleaned and was not ready for occupancy. The constituent is a foster carer currently caring for a 12-month old child and four-year old child. The constituent also expressed concern for the health and wellbeing of the children. My questions are:

1. Would the minister advise of the system currently in place to get Housing Trust properties ready for new tenants?

2. Would the minister advise whether it is standard required practice for housing managers to be present at the handover of the property?

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

PRESIDENT, ROLE

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking you, Mr President, a question about the impartiality of the role of the President of the Legislative Council.

Leave granted.

The Hon. D.W. RIDGWAY: I was alarmed and distressed to read an article in *The Australian* of 13 September this year and thought it a reflection on your ability to maintain the dignity of this council and potentially not allow it to function in a fair and proper way.

Members interjecting:

The PRESIDENT: Order!

The Hon. D.W. RIDGWAY: The authors, Tom Richardson and Michelle Wiese Bockmann—

Members interjecting:

The PRESIDENT: Order! I cannot hear the explanation.

The Hon. D.W. RIDGWAY: I was concerned that this was a reflection on your ability to maintain the dignity of the council and potentially not allow it to function in a fair and proper way. The article alarmed and distressed me and said things such as:

> The Upper House President, Ron Roberts, is set to be dumped by the party factions.

It then goes on:

> The party is expected to dump him from its Legislative Council ticket before the election, ridding itself of one of its last ties of the centre left MP and deputy Labor leader, Mr Ralph Clarke.

It further states:

> A senior Labor Party source told *The Australian* Mr Roberts was almost certain to get dumped, but there was unlikely to be moves against him at next month's state convention because it was feared he would use his position to destabilise the party.

It then went on to say:

> Nobody wants Ron Roberts to go feral and derail us in the Legislative Council. He hasn't got an excuse to go native because he hasn't been told he will be deselected in the ballot, the source said. He has no factional support whatsoever. . . the way most factional leaders feel about it, no-one wants another eight years of Ron Roberts—he's too much of a liability.

My question is: will you, Mr President, give this council an assurance that you will continue to maintain the dignity of this council and not be intimidated by the actions or words of members opposite or in another place and protect those who respect you in your role as President of this chamber?

The PRESIDENT: I thank the honourable member for his question. I must say that I am touched by his concern for my wellbeing. I am aware of the article that you are referring to. If you had read the article closely you would be aware that it is not my practice, nor will it be my practice, to discuss intimate party matters in any forum, and that includes this forum. However, there were certain implications in the article which have led me to seek some legal advice, having had some conversations, for obvious reasons, with the two persons who are listed as authors. Those matters are continuing. There could be a pre-trial discovery in the offing. As that is the case, I will take the honourable member's question on notice and bring back a detailed reply at an appropriate time.

BUS SHELTERS

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 bus shelters.

Leave granted.

The Hon. J.S.L. DAWKINS: Members may be aware that, in conjunction with the former public transport board, metropolitan local government bodies funded the installation of public bus shelters on the basis of passenger loadings at particular bus stops. In 2003-04, the current government, through the Office of Public Transport (now the Public Transport Division of the Department of Transport, Energy and Infrastructure) withdrew funding for this joint venture. Many councils continued the program of installing shelters in good faith, despite the withdrawal of state government funding.

The City of Salisbury highlighted this situation to me in correspondence recently following a complaint from a constituent of mine from Brahma Lodge that there are no bus shelters along Park Terrace for public transport consumers heading into the city. I point out that the area to which I refer is in the Premier's electorate of Ramsay. After mentioning the withdrawal of state government funding, the correspondence from City Projects Manager, Mr Colin Pitman, states:

> The state government again in 2004/2005 and 2005/2006 did not allocate any funding for the provision of bus shelters or upgrading stops to comply with the Disability Discrimination Act. Despite council's request to both the Minister for Transport and the Public Transport Division, no funding is to be allocated towards the installation or upgrade of bus shelters.

On this basis, council has determined that it is not the operator of the public transport system and this not being our core role but that of the state government; therefore, no funds have been allocated by the council for the installation or upgrade of bus shelters within the City of Salisbury. Council would have been keen to pursue the funding partnership with the state government through the Public Transport Division, but it appears there will be none forthcoming in future years, despite council lobbying the Minister for Transport and the PTD.

It is relevant to indicate that this disturbing situation is not restricted to the area within the City of Salisbury but applies to all local government areas in metropolitan Adelaide. My questions to the minister are:

1. Will he indicate why the government withdrew from this funding partnership with local government, which was established by the previous government under the Public Transport Board?

2. Will he indicate the level of state government contributions to this partnership for 2001-02 and 2002-03?

3. Will he instruct the Public Transport Division to resume negotiations with the City of Salisbury, and other local government bodies, about a funding partnership for bus shelters?

4. If not, will he indicate what he intends to do to ensure the provision of appropriate bus shelters for public bus passengers, particularly those with a disability?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer those questions to the Minister for Transport in another place and bring back a reply.

CHILD ABUSE

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I table a ministerial statement relating to the pursuit of paedophiles made today by the Premier.

MARINA DEVELOPMENT

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Urban Development and Planning a question about marina development in South Australia.

Leave granted.

The Hon. R.K. SNEATH: I am sure that all members of the council agree that there is increasing pressure for development along our waterways consistent with people's desire to live and play around prime waterfront locations. In particular, we are seeing more proposals from marina-style developments not only along our coastlines but also along the River Murray. The council may be aware that at least two proposals—at Mannum and Ceduna—are undergoing major development assessment processes at this time; therefore, it is not appropriate for the minister to comment on them. Notwithstanding this, my question to the minister is: how will the government ensure that decisions are made about marina proposals in the strategic context, where all the issues, including environmental issues, relating to the impact of such developments on our waterways can be considered in a coordinated manner?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I thank the member for his important question, and it is timely, given that my ministerial colleague, the Minister for the River Murray (Hon. Karlene Maywald) and I have just jointly announced the commencement of a coastal marina strategy and a River Murray marina strategy.

South Australia's coastal and riverine environments are some of the most environmentally sensitive areas in the country. When determining the appropriate location for a marina development, we need to ensure that, as a first step, we have carefully mapped out areas of high sensitivity such as coastal estuaries, mangroves and sea grasses, riverine wetlands and flood plains. We then need to ensure that the appropriate development assessment policies are in place to ensure that these locational and environmental considerations are adhered to.

In South Australia, as elsewhere in Australia, it would seem that there is an increasing demand for residential waterfront locations that provide opportunities for commercial and recreational facilities—that is, the waterfront along the Murray as well as on our coast. As part of these strategies, it will be important to ensure that we have collected the data so that these types of proposals can be viable and cater for the right market. This is the first time since the early nineties that the government has undertaken a comprehensive review of guidelines and policies for marina developments, and it is hoped that an important outcome of this exercise will be to give potential developers and communities certainty about these types of proposals. 'No go' areas will be clearly identified and, with a comprehensive set of policy guidelines, it should be very clear what developers can and cannot do.

The River Murray marina strategy will be a collaborative effort between the interagency River Murray working group and the Department for Water, Land and Biodiversity Conservation, with Planning SA as the lead agency. The key role of this group will be to undertake an analysis of supply and demand and a site suitability analysis, followed by the preparation of the strategy. The River Murray councils and their communities will play an important role in the consultation process. The coastal marina strategy involves a large cross-state agency working group, including the Department of Environment and Heritage and Planning SA. Work has commenced on supply and demand and the site analysis, and it will be followed by the drafting of the strategy.

Once again, the coastal councils and their communities will have a key role to play in providing input from the knowledge that they have of their local areas. It will also be important that other key commercial and recreational boating, fishing and aquaculture interests, as well as houseboat owners and operators, are part of the consultation process for these strategies. The work resulting from these strategies will be fed into the planning strategy for South Australia and will, in turn, form the basis for developing a comprehensive suite of development plan policies. I look forward to updating members of the council on the progress of these important strategies at another time.

PORT STANVAC OIL REFINERY

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I wish to add to my answer to a question asked earlier by the Hon. Angus Redford. The government is considering legislative options to require Mobil to clean up the site at Port Stanvac and to make the site available for industrial use by third parties, if Mobil has not reopened the site or found an alternative user or purchaser by July 2006. I think that that more than adequately addresses the point that the Hon. Angus Redford tried to make.

The Hon. A.J. REDFORD: I have a supplementary question. What are the legislative options?

The Hon. P. HOLLOWAY: The government is considering them.

The Hon. A.J. REDFORD: I have a further supplementary question. Is it not the case that the government is considering legislative options to overcome the botched deal it did with Mobil, giving it until 2019 to clean up the site?

The Hon. P. Holloway: No.

The Hon. A.J. REDFORD: On a point of order, the minister gave an answer—

The PRESIDENT: He said no.

The Hon. A.J. REDFORD: He should rise to—

The PRESIDENT: What part of 'no' did you not understand?

The Hon. A.J. REDFORD: Mr President, if you are going to insist that he comply with standing orders, he should stand when he gives his answer, just as everybody else in this chamber is expected to do. Mr President, I ask you to direct him to do so.

The Hon. P. HOLLOWAY: I am quite happy to stand and say no.

POLICE, ANIMAL WELFARE

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Industry and Trade, representing the Minister for Police, questions about animal welfare policy when an accused person is taken into custody.

Leave granted.

The Hon. IAN GILFILLAN: I am sorry that the Minister for Correctional Services is not able to take this question, because I believe that it is a matter that he would find quite disturbing. On 17 March 2004, a letter was sent to my leader, the Hon. Sandra Kanck, from Mr Tony Moritz regarding the fact that SAPOL does not have a policy on animal welfare. She quite properly referred it on to me as the Democrat spokesperson for police and correctional services. The letter states:

> I wrote to the Commissioner of Police inquiring of their policy with respect to the welfare of pets when their owner is suddenly taken into custody and the person has no-one available to undertake care of that animal (family, neighbour etc). SAPOL's response . . . was unhelpful, and indicated that SAPOL does not have a written policy in relation to this issue. It failed to respond to the fact that I specifically asked what would happen *when the person has no-one else available to take care of the pet.* It is absolutely iniquitous that SAPOL does not have a policy in regard to the welfare of such animals.
>
> I subsequently wrote to the RSPCA and Animal Welfare League, whose responses were not particularly helpful either, the Welfare League indicating specifically that they were not interested in pursuing this issue with the police. The RSPCA did state that in their experience, SAPOL and Correctional Services have facilitated arrangements being made for the care of such animals, however I point out that this is entirely *voluntary* on the part of the police—they don't have to. There is no policy saying they should or must.
>
> SAPOL say arranging care of the pet is the responsibility of the pet owner. But when a person is taken into custody the Summary Offences Act dictates that they have a right to only one phone call. Clearly, a person must use this phone call to arrange legal representation. When they have done so, there is no further obligation upon the police to do anything with respect to the welfare of the person's pets. Does a person have to consume their one phone call trying to arrange care of their pet (if they can), and then not have legal representation?
>
> I have written to you about this reprehensible situation because a friend and member of the Australian Democrats advised that the party is particularly strong with regard to animal welfare policy. Could you please investigate this matter?

The letter is signed by Mr Tony Moritz.

Mr President, I apologise for the delay in dealing with this—it was through an inadvertent mishandling of the papers in the office—but the issue is still very much alive. The situation is that there are pets quite often left in distressing circumstances such as those outlined by Mr Moritz who, I am sure, does not object to me indicating that he is currently in Port Augusta Prison, and who has had conversations with other inmates who have found it very distressing.

My questions to the minister (and, as I said, I am sorry that the Minister for Correctional Services does not have the chance to respond to this, because I think he is a man who would be very sensitive to the issue) are:

1. Does the minister agree that a humane society that has a conscience regarding animal welfare should have a policy in place for the care of domestic animals which would be left uncared for when their owner is taken into custody?

2. Does his government have such a policy? If not, why not?

3. If it does not, will the government give an undertaking to ensure that a formalised procedure is put in place to ensure that this neglect of animals does not occur?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that to the relevant minister, whoever that might be—it could be the Attorney-General in relation to the number of telephone calls one can have if one is arrested. I can see all sorts of difficulties in this area, and can only say that I think we can all be grateful that the police in this state generally have enough commonsense to deal with these matters as best they can. Although it does not seem like a great issue, there are a significant number of complex policy issues that would come out of any solution that the honourable member may have suggested. However, I will refer that on to one of a number of my colleagues, who might have an input into this subject.

ADELAIDE ENTERTAINMENT CENTRE

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, questions regarding the Adelaide Entertainment Centre ticketing contract.

Leave granted.

The Hon. T.G. CAMERON: Over the last week or so there have been a number of media reports concerning the decision by the government to award the Adelaide Entertainment Centre's ticketing contract away from Bass to an interstate firm. Last Friday's *Advertiser* carried a letter to the editor from Mr Bob Lott, Managing Director of Venue-Tix Pty Ltd, explaining its point of view. The letter states:

> As South Australia's largest privately owned and operating ticketing agency, we read with great interest the article by Craig Bildstien regarding the Adelaide Entertainment Centre's decision to award its ticketing contract to an interstate company.
>
> The prediction of increased ticket prices for concert patrons should not be discounted or dismissed, despite the reassurances given in the article by the AEC's acting chief executive officer, Bruce Craddock.
>
> Our company has always maintained the lowest average ticketing fees of any computerised ticketing agency within South Australia and we believe the lowest of any major agency in Australia.
>
> The introduction of an interstate company owned by Mr Kerry Packer's interests into the state's ticketing industry most definitely will result in increased ticket prices for events managed by that company if fees presently paid interstate are introduced here.
>
> The AEC's decision to dump BASS as its ticketing agency was made after a long history of government ticketing contracts being automatically awarded without competitive tendering to BASS,

which is owned and operated by the Adelaide Festival Centre Trust. (The last time the AEC went to tender was 1995—11 years ago.)

The state government had the opportunity to break this tradition and support local business by awarding the AEC contract to a privately owned and operated South Australian company, such as VenueTix. Instead, it decided to opt for an interstate operator, a decision which we believe will impact heavily on the low ticket fees enjoyed for years in this state.

My questions are:

1. Why did the government decide to award the Adelaide Entertainment Centre's ticketing contract to an interstate company rather than a South Australian owned and operated company?

2. What financial and business criteria were used by the government in order to assess which company was best suited to the Adelaide Entertainment Centre ticketing agency; and was there no South Australian company that could have fulfilled these criteria?

3. Will the minister assure South Australians that ticketing prices for events at the Adelaide Entertainment Centre will not increase as a result of the government's decision to award the contract to an interstate firm?

The Hon. P. HOLLOWAY (Minister for Industry and Trade): I will refer that question to the Minister for Tourism and bring back a response. As I understand it, and as the honourable member suggested, it was a competitive tendering process. It is rather ironic that the first question today from the Leader of the Opposition should have been based on an Auditor-General's report into a tendering process. It would appear he was criticising that minister or a former minister in relation to how that tender process was conducted. We cannot have it both ways in relation to these things.

The Hon. A.J. REDFORD: I rise on a point of order, sir. He has been asked a question by the Hon. Terry Cameron, not the Hon. Rob Lucas.

The PRESIDENT: There is no point of order.

The Hon. P. HOLLOWAY: The implication in this question is: why did the government not interfere in the competitive process? Previously, we had a question: why did the government, allegedly, appear to interfere? If they are competitive tender processes, they are either done or not done on the basis of criteria. I will refer the question to the Minister for Tourism and she can give a response in relation to that. I remind members that these processes are at arm's length.

EMPLOYMENT, AGRICULTURE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for Agriculture, Food and Fisheries, a question about employment trends.

Leave granted.

The Hon. CAROLINE SCHAEFER: In spite of our hearing a great deal from this government about the lowest ever unemployment rates in South Australia, the latest ABS figures on employment show an alarming trend in agriculture, forestry and fishing of a drop of 12.9 per cent in employment in that industry between February 2002 and August this year. My questions are:

1. Will the minister explain what industries within agriculture have been most affected by this alarming trend, this downward spiral, in employment outside the metropolitan Adelaide?

2. Will he give details of what regions are most affected by this downward spiral?

3. Does this government have any strategy to halt the alarming trend of moving away from agricultural pursuits and employment which is showing up both in these figures and our export figures?

An honourable member interjecting:

The Hon. P. Holloway: I would love to answer it because it is scarcely new; it has been happening since the Industrial Revolution. It has been 2 per cent a year.

An honourable member interjecting:

The Hon. P. Holloway: The number of family farms has been falling at 2 per cent every year for at least 100 years.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I have heard the comments of the Hon. Paul Holloway and he is correct: it is something that is hardly new. It is quite historic—

The Hon. Caroline Schaefer: So it does not matter.

The Hon. CARMEL ZOLLO: Of course it matters.

The Hon. T.J. Stephens: You're so shocked, your earring has fallen off.

The Hon. CARMEL ZOLLO: That's right. It is a challenge to get employees into our regional areas. As the honourable member would know, as the former convenor of the Premier's Food Council, we do have strategies in place and we have a working committee that works towards addressing that issue, and we also have the issues group underneath that. However, it is also a challenge to get people to work in our regions. As to the detail of some of the statistics which the honourable member has asked about, I will ask the Minister for Agriculture, Food and Fisheries in the other place and bring back a response.

STATE/LOCAL GOVERNMENT AGREEMENT

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Emergency Services, representing the Minister for State/Local Government Relations, a question about an agreement.

Leave granted.

The Hon. J.F. STEFANI: On 8 March 2004, the Premier (Hon. Mike Rann), on behalf of the state government, signed an agreement with councillor John Legoe, the President of the Local Government Association of South Australia. The signing of the document entitled 'State/Local Government Agreement' was witnessed by the Minister for State/Local Government Relations (Hon. Rory McEwen). To give effect to the agreement, clause 26 provides:

The state government will institute systems and processes in order to:

Formally report to the state cabinet on the outcomes of the state/local government consultation processes associated with proposals with significant local government impact.

In addition, clause 30 of the agreement provided that the Minister for State/Local Government Relations and the President of the Local Government Association will:

Undertake a joint review of the application of this agreement before the expiration of 12 months from signing and with a view to establishing a new or amended agreement and schedule annually; and

Undertake a 12-month review of the performance of the minister's local government forum.

In view of the provisions of this agreement and the representations made to members of parliament by the Local Government Association in relation to the significant cost implica-

tions to council and all ratepayers as a result of the Sustainable Development Bill 2005, my questions are:

1. Will the minister provide details of the systems and processes which he has instituted, as outlined in clause 26 of the agreement?

2. Will the minister inform parliament what consultation processes he has undertaken in relation to the proposals in the bill that have a significant impact on local government and/or ratepayers?

3. Will the minister advise parliament whether he has undertaken a joint review of the application of the agreement before 8 March 2005, as provided by clause 30.1?

4. Will the minister table the details of the review of the performance of the minister's local government forum, as outlined under clause 30.2 of the agreement?

The Hon. CARMEL ZOLLO (Minister for Emergency Services): I thank the honourable member for asking questions in relation to the agreement he has mentioned. I will refer his questions to the Minister for State/Local Government Relations in another place and bring back a response.

REPLIES TO QUESTIONS

HOLDFAST SHORES

In reply to **Hon. A.J. REDFORD** (26 February 2004).

The Hon. T.G. ROBERTS: I provide the following information with regard to questions 1, 4 and 6:

1. The opinion provided by Stephen Walsh QC of 18 December 2003 was published in the Amended Assessment Report for Holdfast Shores Stage 2B which was released in February 2004. As the Minister responsible for the assessment of this development, I was aware of it prior to this public release.

4. Before making my decision, I undertook the requirements of the Major Developments process outlined in Sections 46-48 of the *Development Act 1993*.

6. The opinion provided by Stephen Walsh QC of 18 December 2003 is published in the Amended Assessment Report for Holdfast Shores Stage 2B released in February 2004. As the Minister responsible for the assessment of this development I was aware of it prior to this public release.

The Minister for Administrative Services has provided the following information with regard to questions 2, 3, 5 and 7:

2. I was advised the developer believed the Council previously agreed to release the developer from the lease and make available the Magic Mountain site for redevelopment in accordance with the Stage 2B proposal.

It should be understood that redevelopment of the Magic Mountain site in accordance with the Stage 2B proposal meant Magic Mountain would be demolished and the site would become a large grassed public open space reserve.

Condition 5 of the provisional development authorisation dated 19 February 2004 states that 'no works shall commence unless, and until, legal rights to develop the Magic Mountain site have been secured'. The developer had to reach a satisfactory resolution with the Council before proceeding with the development.

3. I have not seen the agreement between the Council and the developer.

5. In response to the Council's submission on the Holdfast Shores Stage 2B Development Report, the developer submitted an opinion by Stephen Walsh QC that the Stage 2B proposal was clearly not a hypothetical proposal and consideration of the matter should proceed to its conclusion on the merits in the ordinary way. A copy of that opinion is contained in Appendix C of the Assessment Report for the Holdfast Shores Stage 2B by Planning SA dated February 2004.

Your question about why the agreement was not given to Stephen Walsh QC relates to a private matter between the developer and Stephen Walsh QC.

7. I have not seen the agreement between the Council and the developer.

GAMBLING, PROBLEM

In reply to **Hon. NICK XENOPHON** (30 June).

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

1. The Problem Gambling Family Protection Order scheme was identified as an option in the gaming machine information booklet, developed by the Independent Gambling Authority and distributed in *The Advertiser* and *Sunday Mail* in March and April 2005. The Government provided the Authority with funding of $100 000 to produce the booklet. Other promotion of the scheme has been through newsletter publications and direct provision of information to relevant groups. This is an efficient distribution network for this information.

2. The following table sets out the number of telephone enquiries handled by the Authority in 2004–05 concerning the Problem Gambling Family Protection Orders scheme.

Month and year	July 2004	Aug. 2004	Sept. 2004	Oct. 2004	Nov. 2004	Dec. 2004	Jan. 2005	Feb. 2005	Mar. 2005	April 2005	May 2005	June 2005
No. of enquiries	7	9	8	2	4	4	6	0	1	6	3	5

3. One complaint was adjourned to allow the respondent to request voluntary barring. Voluntary barring was requested and granted. The complaint remains adjourned.

Orders have been made in respect of three further complaints.

4. The Independent Gambling Authority has received regular updates on the number and nature of enquiries concerning problem gambling family protection orders at board meetings since they became available. On these occasions, there has been consideration of whether additional steps are necessary to ensure that information about the orders is appropriately available.

The Authority's experience, particularly noting some media reporting of the scheme, is that great care needs to be taken to avoid confusion about the nature of the scheme and the ways in which family protection orders might operate.

The Authority has determined a preference for information to be provided through existing help networks and for interested persons to be directed to the IGA's office for information to be provided on a case-by-case basis.

The Independent Gambling Authority has, as a matter of course, engaged in consultations with a number of government and non-government agencies for the purpose of increasing awareness of the Problem Gambling Family Protection Orders scheme and thereby ensuring that matters of potential interest are referred to the Authority. For the same purposes, the Authority also provided a forum for officers of the Department for Families and Communities in May 2005.

5. It is expected that the Secretary of the IGA will provide information to the Minister for the report around August/September.

6. The legislation specifically provides for a "former spouse" to commence a complaint for the benefit of the children of the relationship.

HINDMARSH SOCCER STADIUM

In reply to **Hon. J.F. STEFANI** (24 May).

The Hon. T.G. ROBERTS: The Minister for Recreation Sport and Racing has provided the following information:

1. The issues that the Honourable Member has raised are currently subject to negotiation between the nominated parties. I am hopeful that these issues will be resolved in the near future.

2. It is important that the parties all work together to benefit soccer in this State and create the best future possible.

MENINGIE MARINA

In reply to **Hon. SANDRA KANCK** (27 October 2004).

The Hon. T.G. ROBERTS: The Minister for the River Murray

has provided the following information:

I believe that all development should be assessed on its merit and the fact that this particular development has been declared a Controlled Action by the Australian Government Minister for the Environment and Heritage means that the applicant must supply significantly greater information for a more rigorous assessment of the proposal.

As the proposed development is located adjacent the River Murray, I, as the Minister for the River Murray, will also be required to make comment on the proposal as it will be referred to me pursuant to section 37 of the *Development Act 1993*. The application has been referred to a number of State Government agencies for consideration pursuant to the requirements of the *Development Act 1993*. The Government will review the advice provided by these agencies before determining its position.

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

3. I am unaware of any consultation taking place with the Ngarrindjeri people in relation to the Meningie marina development. Whilst the developer has been advised that there are no known Aboriginal sites in the area of the development, it was recommended that an application be lodged under section 12 of the *Aboriginal Heritage Act 1988* (the Act) to obtain certainty in relation to the presence of any undiscovered sites. As the developer is yet to lodge an application of this type, I have not undertaken a full consultation of all interested parties as would otherwise be required by section 13 of the Act.

4. I will raise the issue with my colleague the Minister for the River Murray.

CORRECTIONAL SERVICES, EMPLOYMENT

In reply to **Hon. A.L. EVANS** (4 May 2004).

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

There has been a delay in answering this question for which I apologise. Unfortunately the employment records of the Department for Correctional Services were not able to specifically identify operational Psychologists and Social Workers, especially for the earlier years as requested by the Honourable Member.

It has therefore been necessary to reconstruct the records to provide answers to the questions that have been asked.

The Department has only been able to establish the data for three years.

The major difficulty has been to attract professional Psychologists and Social Workers to regional areas. Honourable Members would know that this is not only a problem for corrections, but also for most other service sectors.

In many instances it has been necessary to engage local community Psychologists on a contract basis, where they have been, or are, available. These are generally short-term contracts covering individual cases or periods of a week or month. It has also been necessary to employ people who have psychological training, but are not qualified at the Forensic Masters Degree level.

Both of these situations, which are ongoing today, have made the task of reconstructing the information requested by the Honourable Members, extremely difficult and time consuming. However the information has been obtained for the last three years and I am advised as follows:

1. There are currently 16.4 Psychologists, including 3 without a Masters degree, and 112.9 Social Workers employed by the Department for Correctional Service.

2. Of these, there are:

6 Social Workers and .6 Psychologist at Yatala Labour Prison;

2 Social Workers at Port Augusta Prison;

1 Social Worker and 1 Psychologist at the Adelaide Remand Centre;

2 Social Workers and 1.7 Psychologists at the Adelaide Women's Prison;

1 Social Worker employed at the Port Lincoln Prison;

2 Social Workers and 1.5 Psychologists at Mobilong Prison;

1 Social Worker employed at the Cadell Training Centre;

1 Social Worker and .2 Psychologists at the Adelaide Pre Release Centre;

1 Social Worker employed at the Mount Gambier Prison.

3. Given the context of the Member's previous questions, I have taken his next question to mean the number of Social Workers and Psychologists employed in non prison facilities, not employees.

There are currently:

84.9 Social Workers and 3.1 Psychologists employed in the Department's Community Corrections Division;

4 Social Workers and 1.3 Psychologists employed at the Prisoner Assessment Unit. This Unit provides services to all prisons;

3 Social Workers and 3 Psychologists employed in the Department's recently established Rehabilitation Programs Branch. There are also 3 staff who, although they do not have psychological qualifications at the Masters Degree level, they are psychologically trained. Rehabilitation program staff service the sex offender program which provides therapeutic intervention in both prison and community settings;

3 Social Workers employed in the Department's Throughcare Team; and

1 Principal Psychologist and 1 Principal Social Worker employed to support the work of the Department's Psychologists and Social Workers.

In reply to the supplementary question asked by **Hon. A.J. REDFORD.**

Past statistics have been difficult to collect. Nevertheless, based on the best available information, the following statistics are provided:

At the 30 June 2004, the Department employed:

13.2 Psychologist's; and

106.5 Social Workers.

At the 30 June 2003, the Department employed:

9 Psychologists; and

107 Social Workers.

I can confirm that the Department for Correctional Services is currently in the process of recruiting additional Psychologists and Social Workers.

HOLDFAST SHORES

In reply to **Hon. A.J. REDFORD** (30 March 2004).

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

1. The questions asked on 26 February 2004 have been answered.

2. The former Minister for Urban Development and Planning made administrative decisions to alter the Moseley Square boundary of the declared Major Development area to ensure the balconies proposed as part of the Irish Pub and Holdfast Shores developments would be assessed under the Major Developments process outlined in Sections 46-48 of the *Development Act 1993*.

The former Minister for Urban Development and Planning, the Hon Jay Weatherill MP declared a conflict of interest in that he was also the Minister for Administrative Services having ministerial responsibility for the Holdfast Shores development at that time. Accordingly, the assessment of Holdfast Shores Stage 2B was delegated to the Minister for Aboriginal Affairs and Reconciliation, the Hon Terry Roberts MLC, as gazetted on 2 October 2003. Minister Roberts handled the assessment process and took the matter to Cabinet, with recommendation to the Governor, in February 2004.

3. It is common practice for developers to seek the informal views of Planning SA on a range of development matters. This does not make Planning SA the design adviser for any project proposals. Hence Planning SA has no conflict of interest in providing advice to the Development Assessment Commission and the Minister.

4. The promise of a genuine process of consultation was not broken. In December 2002, the former Minister for Administrative Services initiated a comprehensive community information and public consultation process undertaken jointly with the City of Holdfast Bay. He also addressed a public meeting convened by the Glenelg Residents Association. Following the consultation process which included three public information days, the developer's proposals that formed the basis of the consultation were rejected. Subsequently, the developer reduced the scale of the proposal and lodged a development application under the *Development Act 1993*, for which there was a further six week public exhibition period as part of the Major Developments assessment process by Planning SA.

5. The opinions of individual departmental officers are not necessarily supported by his or her department and as such may not influence the decision making process.

6. Planning SA consulted with Crown Law on legal issues associated with the project before finalising its assessment. Questions relating to the Cabinet process or matters considered by Cabinet will not be answered.

7. The Government acted in accordance with Crown Law advice and the project is proceeding.

CORRECTIONAL SERVICES, BULLYING

In reply to **Hon. A.J. REDFORD** (5 May).

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

1. No, that is not correct.

Officers of my Department have spoken to one of the Principal Inspectors of the Department of Administrative and Information Services, who is the person referred to in the Honourable Members question.

He has confirmed that the Department of Administrative and Information Services, as the regulatory authority responsible for investigating complaints in the Public Service, has received four bullying complaints from staff of the Department for Correctional Services and that he is investigating these in conjunction with senior Correctional staff.

Contrary to the information that the Honourable Member has been given, I am assured that at no stage has he said that he has "so many complaints against the Department for Correctional Services regarding bullying" that he "was having trouble coping" nor that he had a meeting with the Chief Executive of the Department to discuss the "large number of complaints against the Department.

2. No. It is entirely appropriate for responsible officers of the Department for Correctional Services to investigate matters of this nature.

The existing Public Service practice is for the agency concerned to investigate any such matters in the first instance and, in the event that a second opinion is required, for the regulatory authority to be contacted. The nominated regulatory authority is the Department for Administrative and Information Services.

3. As I have said before, the few allegations of bullying that have been received can be handled within existing resources.

4. Yes, that is what occurs.

HOMELESSNESS

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

In reply to **Hon. KATE REYNOLDS** (4 July).

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

The best statistical data is the Australian Bureau of Statistics publication 'Counting the Homeless – South Australia 2001'. This report provides the most reliable and consistent data collection regarding homelessness in Australia, but only reports on data collected at each Census. Data from the 2001 Census indicated that there were 7 586 people who were homeless in South Australia on Census night. Of these:

- 897 were in primary homelessness, i.e., were in 'improvised dwellings, or sleeping rough';
- 4 137 were staying with friends or relatives;
- 1 114 were in Supported Accommodation Assistance Program (SAAP) accommodation; and
- 1 438 were in boarding houses.

A more recent source of data for the number of people utilising SAAP services, those being people who are homeless or at risk of homelessness. Latest published data indicates that, in 2003-04, there were 9 700 people in South Australia who were assisted by the SAAP program.

Information from the South Australian Housing Trust indicates that, over the four year period from 2001-02 to 2004-05, there were 14 439 new housing allocations. However, not all of these new allocations would have been to people who were homeless at the time. Similarly, in the private rental sector it is not possible to know, of those people housed since 2002, how many were homeless at the time.

The Government has set out its commitment to strategic targets in '*Creating Opportunity*: the South Australian State Strategic Plan'. The target in relation to homelessness is 'to halve the number of 'rough sleepers' in South Australia by 2010'. This is benchmarked against the ABS 2001 figure of 897 people in improvised dwellings or sleeping rough.

In response to the recommendations of the Social Inclusion Board report on homelessness, the Government has implemented a 14 Point Action Plan for Homelessness. $23 million over 5 years has been committed to a range of initiatives designed to prevent homelessness and assist people out of homelessness. A strong focus of these and existing homelessness programs is to direct effort to integrated measures to respond to rough sleepers, particularly in the inner city where many rough sleepers reside.

In reply to the supplementary question:

It is my understanding that there is no coordinated data regarding the number of asylum seekers who have sought assistance from homelessness services. Asylum seekers may approach individual agencies, government and non-government, without any shared knowledge of this.

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

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

A range of strategies are being implemented by government to enable it to fulfil its promise of halving homelessness in South Australia. These include:

- The Government's social Inclusion 14-point plan for reducing homelessness. A total of $23 million over five years has been committed to a range of project initiatives to support implementation of the plan including tenancy support services to people, and families at risk of housing eviction, services which assist homeless young people in the school system, improved transition planning for people exiting correctional facilities and homeless services in emergency departments.
- The Housing Plan for South Australia which identifies a range of strategies to increase the availability and accessibility of housing services to people who are homeless or at risk of homelessness, including commitments of $22.5 million for transitional or long term housing developments specifically targeting these populations.
- The Government's commitment to expand the range of accommodation options for people who are homeless or at risk of homelessness as a consequence of psychiatric disability and other complex needs. Funds of $2.5 million in 2005-06 and $5 million recurrent thereafter have been committed and will be directed to non-Government organisations determined in accordance with the State Supply Act 1981.

These activities will prevent people entering into the cycle of rough sleeping. In addition, the government has recently established the Street to Home Service to actively assist people who have been sleeping rough into secure accommodation by assertively engaging with them and providing the range of supports that will enable them to stabilise in accommodation.

Significant funding is directed to non-government agencies such as Mission Australia through the Social Inclusion Reducing Homelessness Initiative and the Supported Accommodation Assistance Program.

HOUSING, AFFORDABILITY

In reply to **Hon. J.M.A. LENSINK** (5 July).

The Hon. T.G. ROBERTS: The Minister for Housing has advised:

The Family Assisted Mortgage (FAM) loan facility is an innovative financial product offered by HomeStart Finance, South Australia's government-owned home finance agency. Since its inception in 1989, HomeStart has loaned more than $3.2 billion and has assisted more than 47 000 South Australian households.

HomeStart established its FAM loan facility in mid-2004. The facility is an aggregation of existing HomeStart loan products that allows a parent, or some other family assistor, to access equity in their residential property to boost the purchasing power of a home buyer and therefore increases home affordability. Development costs for the loan facility were negligible, and the facility could not reasonably be characterised or described as a "multi-million dollar scheme.

The FAM is retailed directly by HomeStart and through its loan manager network of BankSA, Bernie Lewis Home Loans, Homeloans Plus and The Home Loan Centre. The Real Estate Institute of SA and the agencies referred to in the *Sunday Mail* article of 19 June 2005 are not accredited HomeStart loan writers and any business that came to HomeStart by virtue of those organisations would be by referral on a non-commission basis only.

Since the publication of the *Sunday Mail* article, HomeStart has made contact with the Real Estate Institute of SA and the agencies cited in the article. HomeStart has developed a strategy to market the FAM facility to these and other groups.

HomeStart will continue to broadly promote the FAM facility through its advertising campaigns delivered via television, press and the internet.

The FAM facility complements other HomeStart products that seek to deliver home ownership opportunities for young South Australians, including HomeStart's highly successful Graduate Loan.

To date HomeStart has settled more than 450 Graduate Loans valued at more than $85 million.

GAMING MACHINES, ADVERTISING CAMPAIGN

In reply to **Hon. NICK XENOPHON** (5 July).

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

1. From 1 July 2005, there are 2 195 less gaming machines and 12 less gaming venues at which South Australians can gamble. It is clear that there is a reduction in the provision of gaming. The budget papers indicate lower than expected growth, supporting a reduction in gambling activity.

2. The cost of this particular campaign (media plus production) is approximately $70 000.

The Problem Gambling Family Protection Order scheme was identified as an option in the gaming machine information booklet, developed by the Independent Gambling Authority and distributed in *The Advertiser* and *Sunday Mail* in March and April 2005. The Government provided the Authority with special funding of $100 000 to produce the booklet. Other promotion of the scheme has been through newsletter publications and direct provision of information to the relevant groups. This is an efficient distribution network for this information.

In response to the supplementary question asked by **Hon. R.I. LUCAS**.

3. There has been no edict requiring all Government advertising to use "Building a better South Australia" or any other particular tagline.

GAMING MACHINES

In reply to **Hon. NICK XENOPHON** (2 June).

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

1. A game with metamorphic features is a game that will transform into a different game when certain game events (requiring further play) have occurred. There are currently five games approved for use in South Australian hotels and clubs with 'metamorphic' features:

1. Lightning Loot
2. Bonus Roos
3. Island Treasure
4. Red Hot Sevens
5. Royal Sevens

All these games were approved before the commencement of the Game Approval Guidelines on 1 July 2003.

No responsible gambling impact analyses have been received in relation to a game with a metamorphic feature.

2. The games with metamorphic features listed above were approved between 1995 and 1998.

At the time of approval there was no restriction on games with metamorphic features. The games were evaluated independently and were found to meet the technical standards of the day.

The Game Approval Guidelines issued by the Independent Gambling Authority came into operation on 1 July 2003. Those Game Approval Guidelines were not retrospective.

3. The standards in Tasmania appear to be slightly different than the standards in South Australia although it is not clear that they could be considered "higher" standards. The South Australian Game Approval Guidelines are prepared by the Independent Gambling Authority.

SEX OFFENDER TREATMENT PROGRAM

In reply to **Hon. A.J. REDFORD** (31 May).

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

1. To implement the program it was necessary to research programs worldwide, recruit a team from across the country, provide extensive training to key staff and evaluate offenders before the programs could commence. All this occurred in the lead up to programs commencing early in 2005.

Negotiations were successfully undertaken with the Correctional Service of Canada and the Department for Correctional Services embarked on an extensive recruitment campaign to select the professional staff required to manage the program. Initially some delays were experienced in the recruitment of staff, due I am advised, to the widely recognised shortfall of specialists in the forensic programs area across Australia.

2. There are start up costs associated with introducing a program of this kind and two staff members were sent to Canada to gain the necessary skills in line with the Memorandum of Understanding between South Australia and Canada. Canada has been identified as the country with the best practice in sex offender rehabilitation.

The first program started in February 2005 at Yatala Labour Prison with 10 prisoners attending. In addition there is a program operating at the Adelaide Community Corrections Centre, which includes 11 offenders.

I am advised that both programs are operating effectively and are scheduled for completion in September 2005.

The expenditure of $2 million also includes the costs associated with development work for the violent offenders program and funding for program delivery to Aboriginal offenders. To date, nearly 60 Aboriginal prisoners have accessed programs and support provided by this funding.

3 and 4. The Department for Correctional Services' Sex Offender Treatment Program has now been implemented and, as previously indicated, there are 21 offenders currently participating in the pilot program. Of these, 10 are prisoners and the other 11 are community correction's offenders.

The Department's estimated target is approximately 40 prisoners and offenders for each of the next two years.

5. It has been advanced.

6. The Department for Correctional Services' Sex Offender Treatment Program selects those who are nearest their release dates in preference to those who have some years still to serve. This is consistent with practices in other jurisdictions and ensures that all sex offenders assessed as suitable for sex offender treatment will receive the necessary intervention, at the most effective time.

CORRECTIONAL SERVICES ACT

In reply to **Hon. A.J. REDFORD** (28 February).

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

1. The Department for Correctional Services is currently finalising recommendations for new appointments to the Correctional Services Advisory Committee.

2. Neither the Department or I have intentionally failed to comply with the Act.

3. A number of members of the Correctional Services Advisory Committee have left for reasons ranging from illness, increased commitments in other areas and in one case the death of a member.

4. In case the Honourable Member is not aware in 1997-98, when his party was in Government, membership of the Council faltered and a new Council was not appointed and did not meet for well over 12 months.

PRESIDENT, ROLE

The PRESIDENT: Before I call on business of the day, I have further considered the question asked of me today by the Hon. Mr Ridgway in respect of whether I would continue to rule impartially in the Legislative Council. I can assure all members of this council it is my intention to continue, as I hope I have always done, to act fearlessly and fairly to all members of the Legislative Council without fear or favour from pressure from any area.

MOUNT LOFTY RANGES

The Hon. CARMEL ZOLLO: I lay on the table a copy of a ministerial statement relating to the prescription of water resources in the eastern Mount Lofty Ranges made in another place by my colleague the Hon. John Hill.

ADELAIDE PARK LANDS BILL

The Hon. P. Holloway, for the **Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation)**, obtained leave and introduced a bill for an act to establish a

legislative framework that promotes the special status, attributes and character of the Adelaide Park Lands; to provide for the protection of those Park Lands and for their management as a world-class asset to be preserved as an urban park for the benefit of present and future generations; to amend the City of Adelaide Act 1998, the Development Act 1993, the Highways Act 1926, the Local Government Act 1934, the Local Government Act 1999, the National Wine Centre (Restructuring and Leasing Arrangements) Act 2002, the Roads (Opening and Closing) Act 1991, the South Australian Motor Sport Act 1984 and the Waterworks Act 1932; and for other purposes. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

The Adelaide Park Lands Bill 2005 is a major step in an ongoing process to protect and enhance the Adelaide Park Lands as a major identifying cultural icon and community asset of this city. The protection of the Park Lands is also part of a broader government program to preserve and enhance open space in the metropolitan area generally. The history of the Adelaide Park Lands since the original plan of Colonel William Light is filled with the actions of successive governments who have alienated parts of it. Some of these actions have created cultural icons and historic buildings in their own right. However, in many cases the actions have been, on reflection, short-sighted and opportunistic land grabs, borne more out of convenience than providing any lasting public benefit in the context of the original purpose of the Park Lands.

In response to previous attempts to create legislation governing the Park Lands, this government developed a 10-point plan of action in order to progress a holistic and inclusive approach to its protection. As a consequence, the government has to date undertaken a biodiversity survey of the Adelaide Park Lands in collaboration with the Adelaide City Council, identified potential alienated sites for their return to Park Lands, and initiated discussions with the council on the transfer of their care and control, worked collaboratively with the council in the upgrade of the North Terrace precinct, and an exploration of ways to improve community access, amenity, heritage interpretation and public usage for the Adelaide Gaol precinct, announced its intention to investigate the merit of establishing the Adelaide Park Lands as a state heritage area in consultation with the council, and undertaken public consultation on potential options for the management of the Park Lands.

This last action was undertaken by the Adelaide Park Lands management working group which consisted of a representative from both the council and the Department for Environment and Heritage, as well as a community representative, Mr Jim Daly. Its option paper was released in January 2003, and a consultation report prepared in June 2003. Subsequently the working group reported to the council and government with recommendations which have led to the legislation before the council today. It is acknowledged that there was a trend amongst those who contributed to the consultation toward a preference for an independent trust model for managing the Park Lands. However, the consultations also revealed that there was general community recognition of the significant contribution, investment and expertise of the council to Park Lands management which needed to be acknowledged and factored into any model for the future. As a consequence, the working group recommended a management model which made a distinction between land management by the council and state agencies on the one hand, and the need for a strategic policy setting and monitoring body on the other, with broad representation.

Following discussions and negotiations with Adelaide City Council, a draft Park Lands bill was released for public consultation in March this year, which sought to implement the management model as well as address other key initiatives from the 10-point plan and recommendations from the working group. Negotiations with the Adelaide Park Lands Preservation Association and other key stakeholders during its development and subsequent to its release, as well as public feedback, have resulted in a number of changes which have shaped the bill which is now before us. In this context the government wishes to acknowledge and thank members and staff of Adelaide City Council and members of the executive at the Adelaide Park Lands Preservation Association for the positive and constructive approach to the negotiations.

As a consequence the bill contains the following key features. As set out in the statutory principles for the bill, the Adelaide Park Lands are to be defined so as to correspond to the original general intentions of Colonel Light in 1837, where appropriate, but recognising contemporary boundary arrangements. Consequently, the legislation relates to not only council-controlled land but also land previously alienated that is now managed by various state institutions and authorities.

There are specific exemptions, in particular commonwealth land and land associated with our parliamentary institutions. In addition, there is a capacity to include the road system through the Park Lands. This definition provides a basis for the development of a single management strategy for the whole Park Land area within the Adelaide City Council, whether state or council controlled or roadway, which binds the government and council, rather than public institutions operating independently and possibly in conflict.

There is no intention of the government to shy away from listing all the alienated land, including those controlled by universities and the Zoo, other than the exemptions previously mentioned. In addition, the legislation creates a requirement for state authorities to prepare, for the first time, publicly available management plans for areas under their care and control which need to be consistent with the management strategy. It is intended that the management strategy in turn will also become a defining document with respect to the planning system. With the passage of this bill, the opportunity presents itself for the Park Lands management strategy to be incorporated into the planning strategy or the development plan.

The responsibility for developing the management strategy will rest with the new Adelaide Park Lands Authority created as a subsidiary of the Adelaide City Council, but with nomination shared between the council and the government. This authority has primarily a policy and oversight role. It is not charged with managing any part of the Park Lands. The council and state authorities will retain their responsibilities for day-to-day management of areas under their care and control. The council will have responsibility for servicing the authority. Consequently, the authority will, as for all council subsidiaries pursuant to the Local Government Act 1999, develop a business plan and budget and submit these to the council to ensure its operation. It will be subject to auditing, annual reporting and public meeting requirements as set out in the Local Government Act 1999. In addition, the council

will not be able to direct the authority without first consulting with the government.

In this context, given the broad definition of the Park Lands, it needs to be recognised that it currently includes such areas as research laboratories and rail lines, which are not freely accessible, and nor should they be. In addition, the provision of recreational, sporting and event facilities involves the ancillary provision of landscaping works, maintenance facilities, change rooms and other arrangements, which necessitate controls on public access. However, despite the need for this acknowledgment, and in recognition of the intent of the statutory principle, the management strategy is required to explore options for increasing public access for recreational usage.

The legislation reinforces the current government's policy of transferring alienated land back to Park Lands usage in two ways. First, the management strategy must report on the suitability of transferring alienated land to councils' care and control and converting it to Park Land. Secondly, the bill sets out a requirement for future governments to report on and consult with the council when alienated land is no longer required for its existing use by the occupying authority. Any subsequent transfer can then be implemented through amendment to the Adelaide Park Lands plan.

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

The bill also provides key consequential amendments to a range of other acts, in particular the Development Act 1993 and the South Australian Motor Sport Act 1984. The changes to the former legislation will prevent future governments using either the major project, crown development or electricity infrastructure development powers to provide ministerial development approval within the Park Lands.

The intent is to have the development regulations 1993 subsequently amended, where necessary, to clarify the assessment of such projects in future by either the Development Assessment Commission or the council, as appropriate, against the development plan. The amendments for the South Australian Motor Sport Act 1984 include a requirement for the setting of prescribed works periods within which the Motor Sport Board may occupy the Park Lands in connection with setting up for a motor sport event and in subsequent dismantling. This and other amendments are designed to clarify and limit the capacity of the board to occupy the Park Lands.

This bill was born from a spirit of cooperation, with the objective of fostering a collaborative approach to the future protection and enhancement of the Adelaide Park Lands. I commend the bill to members and seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

The clause is formal.

2—Commencement

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

3—Interpretation

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

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

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

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

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

4—Statutory principles

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

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

Part 2—Adelaide Park Lands Authority

Division 1—Establishment of Authority

5—Establishment of Authority

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

Division 2—Board of management

6—Board of management

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

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

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

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

7—Conditions of membership

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

The office of a member becomes vacant if the member—

- dies; or
- completes a term of office and is not reappointed; or
- resigns by written notice to the Adelaide City Council or the Minister (depending on who made the appointment); or
- becomes bankrupt or applies to take the benefit of a law for the relief of insolvent debtors; or
- is removed from office under subclause (3).

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

- for breach of, or non-compliance with, a condition of appointment;
- for mental or physical incapacity to carry out duties of office satisfactorily;
- for neglect of duty;
- for dishonourable conduct.

8—Validity of acts

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

Division 3—Functions

9—Functions

The Authority's functions are as follows:

- to undertake a key policy role with respect to the management and protection of the Adelaide Park Lands;
- to prepare and, as appropriate, to revise, the Adelaide Park Lands Management Strategy in accordance with the requirements of the Act;
- to provide comments and advice on any management plan prepared by the Adelaide City Council or a State authority under the Act or the *Local Government Act 1999* that relates to any part of the Adelaide Park Lands, and to monitor and, as appropriate, to provide comments, advice or reports in relation to, the implementation or operation of any such plan;
- to provide comments or advice in relation to the operation of any lease, licence or other form of grant of occupation of land within the Adelaide Park Lands;
- on the basis of any request or on its own initiative, to provide advice to the Adelaide City Council or to the Minister on policy, development, heritage or management issues affecting the Adelaide Park Lands;
- to promote public awareness of the importance of the Adelaide Park Lands and the need to ensure that they are managed and used responsibly;
- to ensure that the interests of South Australians are taken into account, and that community consultation processes are established, in relation to the strategic management of the Adelaide Park Lands;
- to administer the Adelaide Park Lands Fund;
- to undertake or support other activities that will protect or enhance the Adelaide Park Lands, or in any other way promote or advance the objects of this Act.

Division 4—Related matters

10—Proceedings

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

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

11—Committees

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

12—Reports

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

13—Interaction with *Local Government Act 1999*

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

- the Adelaide City Council must not adopt or amend the charter of the Authority without first consulting the Minister responsible for the administration of the Act and then obtaining the approval of the Minister responsible for the administration of the *Local Government Act 1999*;
- the charter of the Authority must be consistent with the objects of the Act;
- the charter of the Authority must not exclude the operation of Chapter 6 Part 3 of the *Local Government Act 1999* in relation to the proceedings of the Authority;
- the Adelaide City Council must not give a direction to the Authority unless or until the Council has consulted with the Minister;
- the Authority cannot be wound up under the provisions of the *Local Government Act 1999*.

Part 3—Designation of Adelaide Park Lands

Division 1—Definition of Park Lands

14—Definition of Park Lands by plan

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

The Adelaide Park Lands are to include—

- the land commonly known as the *Adelaide Park Lands*; and
- *Victoria Square*, *Light Square*, *Hindmarsh Square*, *Hurtle Square*, *Whitmore Square* and *Wellington Square*; and
- *Brougham Gardens* and *Palmer Gardens*,

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

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

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

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

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

- a variation must not be made by virtue of which land would cease to be included in the Park Lands except

in pursuance of a resolution passed by both Houses of Parliament; and

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

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

15—Interaction with other Acts

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

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

16—Related matters

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

For the purposes of any other Act or law, land designated in the Adelaide Park Lands Plan as being Park Lands under the care, control and management of the Adelaide City Council will, insofar as is not already the case, be placed under the care, control and management of the Adelaide City Council. Such land will also, other than in relation to land held in fee simple, be taken to be dedicated for Park Land.

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

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

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

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

Division 2—Identification of tenure

17—Identification of tenure

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

Part 4—Management of Adelaide Park Lands

Division 1—Adelaide Park Lands Management Strategy

18—Adelaide Park Lands Management Strategy

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

· include certain specified information in relation to each piece of land within the Adelaide Park Lands owned, occupied or under the care, control or management of the Crown, a State authority or the Adelaide City Council; and

· identify land within the Adelaide Park Lands that is, or that is proposed to be (according to information in the possession of the Authority), subject to a lease or licence with a term exceeding 5 years (including any right of extension), other than a lease or licence that falls within any prescribed exception; and

· identify goals, set priorities and identify strategies with respect to the management of the Adelaide Park Lands; and

· include other information or material prescribed by the regulations; and

· be consistent (insofar as is reasonably practicable) with any plan, policy or statement prepared by or on behalf of the State Government and identified by the regulations for the purposes of the section.

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

Division 2—Management plans

19—Adelaide City Council

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

20—State authorities

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

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

Division 3—Grants of occupancy

21—Leases and licences granted by Council

This clause provides that the maximum term for which the Adelaide City Council may grant or renew a lease or licence over land in the Park Lands is 42 years. Before the Council grants (or renews) a lease or licence over land in the Park Lands for a term of 21 years or more, the Council must submit copies of the lease or licence to the Presiding Members of both Houses of Parliament. A House of Parliament may resolve to disallow the grant or renewal of a lease or licence.

Part 5—Adelaide Park Lands Fund

22—Adelaide Park Lands Fund

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

· any money paid to the credit of the Fund by the Crown, a State authority or the Adelaide City Council; and

· grants, gifts and loans made to the Adelaide City Council or to the Authority for payment into the Fund; and

· any income arising from the investment of the Fund; and

· all other money required to be paid into the Fund under any other Act or law.

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

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

· towards increasing or improving the use or enjoyment of the Adelaide Park Lands for the public benefit; or

· towards increasing or achieving the beautification or rehabilitation of any part of the Adelaide Park Lands; or

· towards promoting or increasing the status of the Adelaide Park Lands; or

- in providing for, or supporting, research into any matter relevant to status, use or management of the Adelaide Park Lands; or
- in supporting the improved management of the Adelaide Park Lands; or
- in providing for any other matter that will further the objects of this Act; or
- in providing for the operational costs or expenses of the Authority; or
- in making any payment required or authorised by or under this or any other Act or law.

Part 6—Miscellaneous

23—Steps regarding change in intended use of land

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

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

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

24—Duties of Registrar-General and other persons

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

25—Provisions relating to specific land

Under clause 25, the Council continues to have the care, control and management of the dam erected pursuant to powers conferred by the *River Torrens Improvement Act 1869*, and of the water held by that dam.

By virtue of subclause (3), the waters held by the dam will be taken to constitute part of the Adelaide Park Lands.

26—Regulations

This clause provides that the Governor may make regulations contemplated by the Act or necessary or expedient for the purposes of the Act and includes other provisions relevant to the Governor's power to make regulations.

Schedule 1—Related amendments and transitional provisions

Part 1—Preliminary

1—Amendment provisions

This clause is formal.

Part 2—Amendment of *City of Adelaide Act 1998*

2—Substitution of section 37C

Section 37C of the *City of Adelaide Act 1998* is deleted by this provision and a new section substituted. New section 37C provides that the land known as "The Corporation Acre" within the City of Adelaide is vested in the Adelaide City Council.

Part 3—Amendment of *Development Act 1993*

3—Amendment of section 4—Definitions

Section 4 of the *Development Act 1993* is amended by the insertion of a definition of ***Adelaide Park Lands***.

4—Amendment of section 46—Declaration by Minister

This clause inserts a new subsection into section 46 of the *Development Act 1993*. Section 46 provides for the making of a declaration by the Minister if the Minister is of the opinion that such a declaration is necessary or appropriate for the proper assessment of development or a project of major environmental, social or economic importance. Under the new subsection, a declaration under section 46 cannot apply with respect to a development or project within the Adelaide Park Lands.

5—Amendment of section 49—Crown development

Clause 5 amends section 49 of the *Development Act 1993* by inserting two new subsections. Proposed subsection (18) provides that section 49, which deals with Crown development, does not apply to development within the Adelaide Park Lands. However, proposed subsection (19) allows for the making of regulations under subsection (3) of section 49 with respect to development within the Park Lands that, in the opinion of the Governor, constitutes minor works.

6—Amendment of section 49A—Development involving electricity infrastructure

Proposed new subsection (22) of section 49A of the *Development Act* provides that the section, which deals with development involving electricity infrastructure, does not apply to development within the Park Lands. However, proposed subsection (23) allows for the making of regulations under subsection (3) of section 49A with respect to development within the Park Lands that, in the opinion of the Governor, constitutes minor works.

Part 4—Amendment of *Highways Act 1926*

7—Amendment of section 2—Act not to apply to City of Adelaide

Section 2 of the *Highways Act* provides that the Act does not apply to or in relation to the City of Adelaide. As a consequence of the amendments made by clause 7, the Act will apply, or a specified provision or provisions of this Act will apply, to a road or road work that is within the ambit of a proclamation made by the Governor for the purposes of new subsection (1a). The Minister is required to consult with the Adelaide City Council before a proclamation is made under subsection (1a).

Part 5—Amendment of *Local Government Act 1934*

8—Repeal of Part 16

Part 16 of the *Local Government Act 1934* is repealed. This Part comprises only one section. Section 300A provides that the Governor may direct that an amount not exceeding $40 000 be paid out of the Highways Fund to the council of the City of Adelaide.

Part 6—Amendment of *Local Government Act 1999*

9—Amendment of section 4—Interpretation

This clause amends the *Local Government Act 1999* by the insertion of a definition of ***Adelaide City Council***.

10—Amendment of section 194—Revocation of classification of land as community land

Section 194 of the *Local Government Act 1999* prescribes procedures relating to the revocation of the classification of land as community land. The section provides that the classification of the Adelaide Park Lands as community land cannot be revoked. This clause amends the section by adding the words, "unless the revocation is by force of a provision of another Act". The clause also inserts a new subsection that provides that the Adelaide Park Lands will, for the purposes of subsection (1)(a), be taken to be any local government land within the Adelaide Park Lands, as defined under the *Adelaide Park Lands Act 2005*.

11—Amendment of section 196—Management plans

Section 196 of the *Local Government Act 1999* requires the preparation of management plans for community land. Clause 11 amends the section by inserting new provisions that prescribe requirements in relation to the preparation and adoption of a management plan for the Adelaide Park Lands by the Adelaide City Council.

12—Amendment of section 202—Alienation of community land by lease or licence

The amendments made by this clause are consequential.

13—Repeal of Chapter 11 Part 1 Division 7

This amendment, which repeals provisions in the *Local Government Act 1999* relating to the Adelaide Park Lands, is consequential.

14—Amendment of Schedule 8

Part 1 of Schedule 8 of the *Local Government Act 1999* is repealed.

Part 7—Amendment of *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002*

15—Amendment of section 3—Interpretation

Section 3 of the *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* is amended by the substitution of a new definition of ***Centre land***. The definition refers to proposed new section 3A.

16—Insertion of section 3A

This clause inserts a new section. Section 3A defines the Centre land and provides that the Minister may, by instrument deposited in the Lands Titles Registration Office, vary the Centre land. Under subsection (3), a variation cannot be made by virtue of which land would be added to the Centre land except in pursuance of a resolution passed by both Houses of

Parliament. A variation must not be made by virtue of which any land would be placed under the control of the Board of the Botanic Gardens and State Herbarium except with the concurrence of that board.

The Minister is required to consult with the Surveyor-General, and any lessee or other person who may be directly affected, before the Minister deposits an instrument at the Lands Titles Registration Office for the purpose of varying the Centre land.

17—Variation of section 5—Continuation of dedication of Centre land

The amendment made by this clause is consequential.

18—Variation of section 6—Minister may lease Centre land

Section 6 of the *National Wine Centre (Restructuring and Leasing Arrangements) Act 2002* provides that the Minister may grant a lease over any part of the Centre land. Under proposed new section 6(9), inserted by this clause, if a variation to the Centre land under section 3A affects land subject to a lease under section 6, the lease, and any related interest or instrument, are varied to take into account the variation to the Centre land.

19—Repeal of Schedule 1

Schedule 1, consisting of a plan of the Centre land, is repealed.

Part 8—Amendment of *Roads (Opening and Closing) Act 1991*

20—Insertion of section 6B

This clause inserts a new provision into the *Roads (Opening and Closing) Act 1991*. Under proposed section 6B, a road within, or adjacent to, the Adelaide Park Lands, may be made wider, narrower, longer or shorter by the Minister in accordance with Part 7B. (Part 7B is inserted by clause 21.)

21—Insertion of Part 7B

Under proposed new section 34G, a person may apply to the Minister to make a road wider, narrower, longer or shorter pursuant to section 6B. The application may be made by the Commissioner of Highways, the Adelaide City Council or a council whose area adjoins the City of Adelaide. Section 6B applies only in respect of roads within, or adjacent to, the Adelaide Park Lands.

On receiving an application, the Minister (that is, the Minister to whom administration of the *Roads (Opening and Closing) Act 1991* is committed) is required to consult with the Minister for the time being administering the *Adelaide Park Lands Act 2005*.

The section also prescribes various procedures in relation to public notice of an application, representations, the preparation of a report by the Surveyor-General, and orders that may be made under the section.

Part 9—Amendment of *South Australian Motor Sport Act 1984*

22—Amendment of section 3—Interpretation

This clause amends section 3 of the *South Australian Motor Sport Act 1984* by removing the definition of ***parkland***.

23—Amendment of section 20—Minister may declare area and period

As a consequence of this amendment to section 20 of the Act, the Minister may declare a specified period or periods (***prescribed works periods***) during which the South Australian Motor Sport Board may have access to land within a declared area for the purposes of carrying out works in the manner contemplated by section 22(1a) (which is inserted by clause 24).

24—Amendment of section 22—Board to have power to enter and carry out works, etc, on declared area

Under proposed new section 22(1a), the access that the Board may have to land comprising a declared area for a motor sport event during a prescribed works period is, with respect to any relevant category of work, free and unrestricted. This is subject to subsection (2), which provides that the Board must comply with terms and conditions agreed with a relevant council or person having a right of occupation or, in the event of a failure to reach such agreement, terms and conditions determined by the Minister.

Proposed new subsection (2a) provides that the Board must, in exercising its powers under section 22 with respect to a matter that is outside the ambit of subsection (1a), comply with—

- any conditions determined by a relevant council or a person having a right of occupation of the land or any part of the land; or
- if the Minister considers, on application by the Board, that such a condition is unreasonable—any conditions determined by the Minister.

25—Amendment of section 24—Certain land taken to be lawfully occupied by Board

Section 24(2) provides that the Board may, in certain circumstances, fence or cordon off a part of a declared area for a period not falling within the relevant declared period. Proposed new subsection (4), inserted by this clause, provides that the Board must, with respect to the operation of subsection (2), comply with any requirement that applies under section 22.

Part 10—Amendment of *Waterworks Act 1932*

26—Amendment of section 27—Free supply for public purposes within Port Adelaide

Section 27 of the *Waterworks Act 1932* provides that the South Australian Water Corporation must, unless there is a drought or other unavoidable cause, supply to the Corporations of the City of Adelaide and the City of Port Adelaide sufficient water for various purposes within the City of Adelaide and the township of Port Adelaide. This clause amends section 27 by removing references to the City of Adelaide and providing for expiry of the section on a day to be fixed by proclamation.

Part 11—Transitional provisions

27—Boundaries of the City of Adelaide

This transitional provision provides that the boundaries of the City of Adelaide (and, accordingly, the boundaries of any adjoining council) may be delineated by a plan filed or deposited in the Lands Titles Registration Office by the Surveyor-General. The Surveyor-General is required to consult with the Adelaide City Council, and any other relevant council, before he or she files or deposits a plan.

28—Special provisions relating to roads and Adelaide/Glenelg tramline

This clause provides that the Minister may, in the plan deposited in the GRO under clause 14 (the Adelaide Park Lands Plan), on the recommendation of the Surveyor-General—

- designate land forming, or previously forming, part of a public road and that is, immediately before the commencement of the clause, being used by the public as park land as being incorporated into the Adelaide Park Lands as park land; or
- designate land that was, immediately before the commencement of the clause, being used by the public as a road (or as part of a road) as being a public road or a part of a public road.

The Minister may also, in conjunction with depositing the Adelaide Park Lands Plan in the GRO under clause 14, or at a later time, by plan filed or deposited in the Lands Titles Registration Office on the recommendation of the Surveyor-General—

- determine the location of the boundary of any road in existence immediately before the commencement of the clause where the Surveyor-General has certified that there is a degree of uncertainty as to the location of such a boundary;
- determine the location of the boundary of the land that should, in the opinion of the Surveyor-General, be regarded as being reserved for the purposes of the transport corridor containing the Adelaide/Glenelg tramline (as that tramline exists immediately before the commencement of the clause).

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

The Hon. IAN GILFILLAN secured the adjournment of the debate.

STATUTES AMENDMENT (RELATIONSHIPS) BILL

Adjourned debate on second reading.

(Continued from 14 September. Page 2532.)

The Hon. D.W. RIDGWAY: The Liberal opposition supports the second reading of the bill. On 6 December last year, when we moved to refer this piece of legislation to the Social Development Committee, I indicated that I was concerned, so I have been concerned for some time and will continue to be concerned. I was concerned that this piece of legislation affected some 82 different items of legislation or acts in South Australia and thought it was appropriate at the time to refer the matter to the Social Development Committee.

We expressed the wish that it be dealt with expeditiously and that we deal with it this calendar year. It is interesting to note that we are now in the last six weeks of sitting—in fact, it is the last day of the first week, so we have only five sitting weeks left before the election. However, we are dealing with the bill now, and, as I said, I am more than happy to support the second reading, and I will probably support it through to the third reading.

Since we referred this bill to the Social Development Committee, I have received a large volume of correspondence from both supporters and detractors of the bill. I think that both lobby groups have been very active, and I thank them for expressing their concerns to me. I support a number of the recommendations made by the Social Development Committee, particularly those supporting the rights of religious or other institutions to discriminate on the basis of cohabiting same-sex partners when it is considered to be against a specific religion, particularly in the instance of independent schools in the process of employing teachers. The committee recommends that safeguards also be put in place to protect people against rorting the system. It is un-Australian, and none of us endorses anyone rorting any system or mechanism in society.

I have had some discussions with the Hon. Terry Cameron regarding some amendments he proposes and, broadly speaking, I suspect that I will support them. At one stage, my colleagues the Hon. Michelle Lensink and the Hon. Andrew Evans indicated that they had a number of amendments. However, now I am not sure who has amendments and who has not and what amendments we will be dealing with. So, in that case, I reserve my right to nominate whether or not I support any amendments put forward, but I am very happy to consider them all.

Finally, my colleagues the Hon. Michelle Lensink and the member for Hartley in another place (Joe Scalzi), who are members of the Social Development Committee, issued a minority report designed to reflect the views of the wider community. Some of the recommendations relate to the rights of domestic co-dependent partners ignored in the original bill. I think it is important that all members, not only those in the Liberal Party, should be allowed a conscience vote on this issue. With those few comments, I support the second reading of the bill.

The Hon. A.L. EVANS: I have been advised by constituents that the Premier has received thousands of individual facsimile letters over the past several months requesting that the bill be withdrawn from parliament. Clearly, this amounts to more than the entire number of submissions supporting the former draft of the bill received by the Social Development Committee. The government holds that established same-sex couples should be recognised in law in the same way that the law now recognises unmarried opposite-sex couples. However, I wish to reiterate that the bill in fact extends the rights of same-sex couples beyond the current rights enjoyed by opposite-sex de facto couples. This is a truth that has been glossed over in the documents and speeches made in relation to the bill.

The truth is that the bill extends the rights of opposite-sex de facto couples and, at the same time, gives the same extended rights to same-sex couples. It is in this way that the rights of marriage have been affected and, in a sense, diluted. I reiterate briefly that I am amazed at the continual rhetoric which states that the rights of marriage are not affected by the bill. With respect, I refer to the contribution of several members of the council who have repeated the same mantra on various occasions. I am amazed that there appears to be a lack of understanding in relation to the dilution of the rights of marriage. I am convinced that there would not be the same absence of understanding if we were considering and debating the dilution of rights in a commercial setting. As I have previously stated, the detrimental effects on marriage will be in making the uncommon common and, as marriage is the very social foundation of our society, we do so at our own peril.

Something also needs to be said about the poor drafting of the bill. Certain amendments proposed by the bill are unnecessary and grant rights to same-sex couples that are For example, clauses 5 and 6 of the bill amend the Administration and Probate Act 1919 in such a way as to confer legal rights on the basis of a person being declared a de facto partner. However, the legislation, as it is currently drafted, permits any person who can demonstrate themselves to be an interested party to immediately access the same legal rights without obtaining a declaration from the District Court. The bill is riddled with this kind of superfluous granting of legal rights to same-sex couples. Perhaps it is indicative of the fact that an omnibus bill, whilst so keenly desired by the proponents of the bill, is not the most prudent method of reform in this area. I also note that both the Dunstan and Bannon governments recognised that same-sex relationships constituted subject matter evoking a conscience vote. I am disappointed that this government was unable to follow such wisdom.superfluous.

As to the effect on children, research has overwhelmingly shown that children have better outcomes if they are able to grow in stable, family structures resting on stable, committed and faithful relationships. Studies also show that same-sex relationships tend to be relatively brief and rarely monogamous. It is for this reason that marriage has been given higher status and has enjoyed superior rights over other relationships in every civilisation throughout history. It is because it has been proven to be the finest possible environment for the raising of children.

However trite it may be, it appears necessary to me to state at this point that procreation is the only means by which a society can continue on past the life of its members; therefore, it is critical that the wellbeing and welfare of children be of paramount consideration when making laws—that is, more than the rights, benefits and immediate gratification of a society's current members. Simply put, South Australian children represent South Australia's future. I am not concerned with what other states are legislating where such laws are detrimental to the success of our state. It is not good enough to say, 'But we are not giving same-sex couples the right to adoption or IVF'. Leaving aside the fact that these latter rights will be a natural progression for a government that introduces equal rights for same-sex relationships, the

reality is that there are many children who are already being raised in such homes by default.

I wish to read from a lengthy emotional letter written to me by a female constituent to illustrate the atrocity that same-sex relationships may cause in some situations for children. She writes:

> . . . my mother left my father to become a lesbian. The first relationship lasted only a couple of years. The second relationship [proceeded to] marriage. My mother's partner had two children a boy and a girl who were growing up in this environment as well. You could see the effects of this on their faces. . . withdrawn and very timid. . . they spent a lot of time in their rooms. . . staying out of sight. Children teasing them at school ect [sic]. Children can be very cruel. As a child, you have no choice no body has taken into consideration the children's right to have a normal upbringing. And not to be exposed to this. They have a right to have balance. I think by allowing the bill to pass you are putting children who grow up in same sex [relationships] at a disadvantage. . . because they have no choice to what they are exposed too [sic] or how they feel about it. Children are brought up and encouraged to have same sex relationships because same sex couples believe in [sic] what they are doing is right. So they encourage their children in the same foot steps. I think we need to be thinking about his [sic] from a child's point of view and the long term effect this would have on children.

I also received a letter from another female constituent from which I have taken the following extracts, as follows:

> I am 37 years old and lived as a daughter for a period of 15 years in a relationship with a mother who chose to live in a same sex, homosexual relationship, and a marriage. I can tell you from first hand experience that it caused detrimental effects on my life and my sisters. It caused total confusion as I watched my mother be emotionally, physically abused and manipulated in what was a highly domineering and controlling unhealthy relationship. The relationship was not a peaceful one and it affected us all. At one stage my mother totally disowned us all and did not want us to call her by her name, or even be recognised as our mother. I became suicidal because of this and it caused us immense pain, that very few would understand.
>
> The relationships were not lasting, stable ones. They are also not good role models for children, for they need both male and female role models in their lives to grow up and function and become stable mature adults in our society. There are enough wounded individuals in our society, wounded from their own childhood traumas; let alone passing a bill which would encourage this and literally say this is normal for our society. The only stable, normal, healthy relationship model is a male and female marriage. This is the only right relationship that can allow children to grow in a secure environment.
>
> You also have to consider all the emotional effects on the families and young children involved. The children who are selfishly dragged into these situations without a choice. Who will speak up and make a stand for the children, the innocent? Yes we have freedom of choice in society, but not everything is wholesome and pure and healthy for us morally. We need to be seriously thinking about the standards we are setting for the next generation. Wrong choices will bring severe repercussions and consequences to our generations that will follow.
>
> I urge you to reconsider allowing this bill to go through. It will cause long-term effects that are detrimental on many children and family's lives to come if it is passed. We have a responsibility to properly guide our generation and protect them.

It is clear that the above constituents are not against same-sex couples as individuals; however it is clear that some same-sex relationships cause damage to our children and to our society.

The reality is that there is a very small number of people in the community engaged in these relationships. They are legally entitled to do so, but for parliament to grant same-sex relationships equal rights to those enjoyed by married and even de facto couples (which constitute 'marriage by fact') is unfavourable to the development of our society—particularly when we consider the effects these relationships have on children. It is amazing that our constituents can comprehend that both male and female influence is required in a child's upbringing in order for them to grow as balanced adults. For some reason this wisdom has eluded many members of parliament, who believe that same-sex relationships should be granted equal status with marriage.

I believe it is time that the parliament wakes up to the reality of the effect of this bill. This parliament aims to represent our state with wisdom and foresight and be clearly aware of the consequences of the laws it makes. At this point I call on each of you to do just that. How sad it would be for this government to consider itself so clever and representative in removing discrimination against a very small sector of society, only to facilitate a significant detriment to a much larger and more important group, our children, who are our future.

I now refer to discrimination against co-dependents. The stated aim of the bill (as I have already mentioned) is to remove unjustified discrimination against same-sex couples as compared to couples in de facto relationships. However, in its attempt to remove unjustified discrimination against same-sex couples, the bill creates unjustified discrimination against same-sex co-dependents living in a non-sexual relationship. How is that true justice? Why should same-sex relationships receive preferential treatment just because they are sexually involved? As it stands, the bill will lead to even greater discrimination and unfairness, because it only recognises same-sex relationships if there is a sexual element.

I believe the government has overlooked many long-standing, very close, mutually dependent non-sexual relationships in the community in which domestic life and resources are shared to a very significant degree. In fact, it would be no surprise to me if the numbers of South Australians living in same-sex co-dependent relationships of a non-sexual nature were not far behind the 2 000 or so South Australians living as same-sex couples, if at all. These people have just as much claim to be considered as same-sex partnerships in regard to questions of unjustified discrimination.

I am aware of a number of people in the community whose personal situations are examples of such relationships, which typically are of long duration and have a high degree of commitment and a shared domestic life as their features. I believe that such relationships or partnerships as these provide many benefits to the community because of their mutual support and sharing of resources. These people have typically been living together for many years—for example, one pair has lived together for 11 years, another for 25 years and another for 17 years. They often share domestic bills and expenses, and they often drive each other to functions and other appointments.

A number have reported that they generally go shopping together for all their domestic needs. Housework and cooking is shared or divided up according to each friend's skill, time constraints and preferences. These friends generally report that they eat most meals together and generally go out socially together. They frequently report that their respective families and most friends would generally expect them to come together to functions and social events. Indeed, a number described how their respective families would regard the other partner as part of the family.

Examples of the expression of this acceptance include the expectation that the friends would sit together with the family at weddings and funerals, and stay together with one of the friend's family during regular interstate family visits. These people frequently describe their desire that, if either of them were to become sick, or in the event of any emergency or crisis, they would want the other to be there for support and to advocate for their interests and wishes. For example, Cindy Shellenberger and Glenda Daddo have been living together

for 10 or 11 years, now in Adelaide but previously overseas. They have travelled together with their work. They are both still working together in a church organisation. They share all their private domestic bills and expenses. Cindy and Glenda generally drive each other to functions and other appointments. They would generally go shopping together for all their domestic needs. Cindy does most of the housework, while Glenda tends to do more of the cooking. They eat most meals together and generally go out socially together although, occasionally, they do socialise separately. However, their families and most of their friends generally expect Cindy and Glenda to come to functions and social events as a couple. Each of their families regard the other partner as part of the family.

This sentiment has grown especially strong since their time in Russia together. At that time Cindy's sister went through the process of adopting a little Russian boy. During that process Glenda took primary care of the child for a year. Since this time Cindy's family have a strong sense of Glenda being part of the family. Another small example of Cindy's and Glenda's routine inclusion into each other's family was when Cindy sat with Glenda's family at the funeral of her father. They share the care and expenses of Glenda's two dogs and often walk them together. If either of them became sick, or experienced an emergency or crisis, Cindy and Glenda have said that they would want the other to be there for them for support and advocacy for their wishes.

Joylene Anderson and Thea Parkinson have been friends for over 30 years and have been living together for 25 years. The latter I have personally known for 50 years. They share in all the day-to-day living expenses of their shared household. The house is owned by Joy, while the house that Thea owns is rented out. Thea contributes a set amount of her income from the property to a shared fund for these living expenses.

Generally, housework and chores are shared, although Thea tends to do most of the cooking from Monday to Friday as she is now retired. When Thea worked, the cooking of the evening meals tended to be shared by whoever got home first from work. On the weekends Joy generally does the cooking. They usually shop together, although Thea may do some shopping during the day while Joy is at work. Joy generally handles all the bills, paying the household expenses. They nearly always eat together outside work hours. Most of their circle of friends are mutual and they expect them to come together to any function or social activity as a couple. They each have some other friendships outside their own circle, so occasionally they socialise separately. For example, Joy sometimes will socialise with some friends at work without Thea. They holiday together. Each family has come to regard the other as part of the family and would always expect both Thea and Joy to come together to family gatherings. They regard each other as very close companions and trust each other to speak for the other should any crisis arise.

Because the law does not recognise their very close relationship, they intend to arrange to give each other medical power of attorney so they can be confident that their close companion will be able to be there to support and advocate for the other if either of them were to become ill or incapacitated. They have written their wills to try to accommodate appropriately their relationship. Joy has stipulated in her will that Thea is able to live in their home as long as she wishes before it goes back to Joy's family. Joy has also arranged for Thea to benefit from her superannuation if she should die first. In order to do this, Joy has elected to take a lump sum rather than an allocated pension. Joy has done this, even though she understands that it would be better financially to take her superannuation as an allocated pension.

Ms Melva Trembath and Ms Rhonda Freak have been friends since 1962 and have lived together on and off for many years whilst working as officers in the Salvation Army. Since retiring, they have been living together for 17 years continuously and hope to continue in this way in the future. They shop together for most things and generally share the household chores. Melva tends to do more of the cooking, while Rhonda tends to do more of the gardening in their home. All their living expenses such as grocery and utility bills and rates are shared equally between them. They eat all their meals together each day and seldom go out separately. Melva is legally blind and now relies on Rhonda's help and support with any social or other outings, especially regarding such activities as driving.

They are close companions and their friends and families would generally expect them to attend functions or any other social engagements as a couple. At Christmas time they generally celebrate with Rhonda's family as Melva's family lives interstate. However, they try to visit and stay with Melva's family about once a year. If anything were to happen to them, they have said that they would each want the other to be there to help and support them, and also speak for them if they were not able to speak for themselves. Accordingly, they have arranged to give each other medical power of attorney.

The bill's provision to give same-sex couples the legal rights of family members is equally or even more important in the case of some of these friends. The nature of their relationships warrant the provision of rights to claim compensation if either of them were to be killed. The right to apply for a guardianship order in the event that one of their friends was to be incapacitated would in many cases be entirely appropriate. A number of these friends report that they would very much want each other to have the capacity to consent to or refuse certain medical treatment. Indeed, the nature of their relationships is such that legal recognition and next of kin status could be entirely appropriate. I urge members to consider the potential discriminatory outcomes of this bill in its current form.

In conclusion, when parliament makes laws regarding relationships and family, it must do so with the utmost caution. We have witnessed massive social change over the past few decades. Relationship and family breakdowns are leaving a bitter harvest of wounded children. It is imperative that we reinforce and uphold the right family structures for society. Essentially, what I am saying is that we have to 'get it right' for the generations that will come after us. The evidence shows that children tend to have better outcomes if they are able to grow in stable family structures resting on stable, committed and faithful relationships. Accordingly, this parliament needs to focus again on the importance of marriage as the most fundamental and natural social institution, providing the only real and solid basis for stable family life and cohesive and harmonious communities.

Marriage should remain as a pre-eminent relationship in our society. I commend the government on its recognition of the pre-eminence of marriage in the terminology utilised in the new draft of the bill. I believe that the long-term covenant of marriage quite rightly deserves special status in law and society. The meaning and legal status of 'de facto relationship' as it currently stands should also not be amended or tampered with. The term 'de facto' represents relationships

that informally constitute themselves as being like marriage, that is, 'marriage by the fact'. These relationships are an arrangement which mirrors marriage and often leads to marriage in the long term. They have all the elements of marriage: a union between a man and a woman, the ability to reproduce, intended long-term relationship and so on. The same cannot be said for same sex relationships.

My constituents do not support an expansion of the rights enjoyed by married couples and de facto couples to same-sex couples. However, if the government proceeds to expand such rights, I suggest that it do so in a much more limited and selective fashion under a separate category and without discrimination on the basis of a sexual relationship. To ignore co-dependent relationships like those I have described, while recognising other similar relationships only because those couples share a sexual relationship, flies in the face of the government's rationale for proposing any legislative change in this area. It is for all these reasons that I cannot support the second reading of this bill.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

DOG FENCE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 14 September. Page 2537.)

The Hon. CAROLINE SCHAEFER: The dog fence is historically, economically and environmentally important to South Australia and has stood in its current position for many years. The South Australian part of it is 2 178 kilometres long and it is a continuous fence that stretches across three states, taking in New South Wales, Queensland and South Australia. Its purpose is and has always been to keep wild dogs out of agricultural areas. A review of the Dog Fence Act was conducted some time ago. My understanding is that owners who have fence on their land have been consulted, and that local dog fence boards, which can be formed by owners who have fence on their land and which exist at Fowlers Bay, Penong, Pureba, Central Marree and Frome, were also contacted and consulted. As a result of that consultation, the bill before us has evolved. It contains a number of relatively minor amendments to the current act.

Currently the Dog Fence Act restricts the maintenance of a dog fence to the northern areas of the state. Following the public consultation, landowners have expressed the need for the Dog Fence Board to maintain fences in other parts of the state. As a consequence, a number of secondary fences may be established inside the primary dog fence which now exists and proclaimed by the Governor. The definition of a wild dog has been extended to include a feral dog. Board members' terms will now be for up to four years as opposed to a fixed term of four years, this giving some ability for the board to be staggered rather than all office holders' terms to expire at the same time.

Currently, the Dog Fence Board is not required to consult when moving or rebuilding a fence. This bill will ensure that the board must consult with the owner of the fence or occupier of the land adjoining the fence before any change to it is made. Currently Dog Fence Board members may carry out work to maintain or inspect the dog fence if the owner has failed to do so. This bill provides that a board member may enter or remain on land where a dog fence is situated to undertake this work. Provisions will be made to compensate Dog Fence Board members, local dog fence board members or authorised persons when acting in good faith under the act. Since I have been unable to find where that particular provision is in the bill, I have to ask whether that will be done by regulation, which I assume to be the case.

Where a local dog fence board is formed, the ownership of that part of the dog fence is vested in the local board, rather than the state board. Landowners adjacent to the fence have asked that they be allowed to manage that section of the fence. The bill allows the local board to vest ownership of the fence back to the adjoining landowner with the agreement of that landowner.

Board funds have been slightly changed. The scheme will continue but the bill proposes that the Dog Fence Board must now pay $250 per kilometre for a landowner to maintain the fence as opposed to the current $225. Where the board imposes rates on the land, the maximum amount will be increased from $1 to $1.20 per square kilometre. There is a practice currently that certain parcels of land may be aggregated in order to have a single holding for rating purposes. This bill formalises that practice. Currently the act does not allow for the Dog Fence Board to take into account extenuating circumstances for the payment of rates. The board will now have the authority to extend the time for payment as it sees fit. The opposition supports the bill.

The Hon. J. GAZZOLA secured the adjournment of the debate.

SUPERANNUATION FUNDS MANAGEMENT CORPORATION OF SOUTH AUSTRALIA (MISCELLANEOUS) AMENDMENT BILL

The House of Assembly agreed to the bill without any amendment.

LOCAL GOVERNMENT (FINANCIAL MANAGEMENT AND RATING) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. CARMEL ZOLLO (Minister for Emergency Services): 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's objectives are to strengthen and improve accountability, flexibility, financial management and rating decisions by councils. The measures in this Bill will introduce further improvements to council processes for long term financial planning, requiring greater transparency and public consultation in the adoption of annual business plans and budgets, and declaring rates.

Importantly, councils will be required to consider the impact of their rating decisions on ratepayers. This requirement formalises a process that many councils already follow, but as the Government has previously stated, other councils have been slow in responding to the negative impacts of their decisions on their ratepayers and more needs to be done.

This Bill will ensure that councils have sufficiently flexible rating powers to respond appropriately to volatile property valuation movements and the otherwise consequential impact of rates decisions on individual ratepayers, especially those with fixed and low incomes. It also highlights the role of the South Australian Ombudsman in reviewing the administrative rating practices and procedures that a council uses.

In the process of its development, this Bill has taken three forms. In December 2004, the first form of this Bill was as a draft, accompanied by an explanatory paper outlining the specific proposals. This consultation package was distributed to all councils, local government bodies, and members of State Parliament, and placed on the Office of Local Government website. Consultation took place over a seven-week period. Approximately 70 responses were received.

The responses were well considered and the Government thanks all those who responded. Many of the submissions contributed to revision of the Bill, so that it entered the other place in March, in its second form, significantly revised and improved.

Nevertheless, further options for improvement were considered after the Bill was introduced in the other place. The Local Government Association and the Office of Local Government set up a Working Party to examine the proposed operation of the Seniors Deferral Scheme. Lengthy discussions also took place against the backdrop of an Inquiry, commissioned by the LGA, into the financial sustainability of Local Government.

Eventually, when the Bill was taken through its Committee stage in the other place, the Government moved a total of 34 amendments, many of which were minor and technical. Nearly all had the support of the LGA. These amendments brought the Bill into its third form, as it appears today.

Among the policy changes made by the amendments in the other place were:

requiring each council to appoint an audit committee;

· limiting a council auditor's appointment to no longer than five years;

· clarification of a council's powers and duties when commissioning an efficiency and economy review;

· improving the proposed Seniors Deferral Scheme to limit the amount of debt that may accrue against a property; and

· introducing a regulation-making power aimed at ensuring that the Seniors Deferral Scheme will work simply and consistently across the State.

During the period of consultation on the first draft of the Bill, some respondents expressed reservations about the level of resourcing that would have been required to implement the draft Bill's proposals. Those criticisms were taken into account in revising the Bill before it was introduced in the other place. The changes, for example, removed an earlier requirement in the draft Bill, for a second annual round of public consultation on a draft budget.

Nevertheless, there may be a lingering perception that this Bill might impose significant new costs on councils, and therefore on ratepayers. That criticism is unjustified. Many councils are already observing the standards required by this Bill. In 2005, many councils prepared a draft budget and an annual business plan that would have been required by this Bill, consulting their community and adjusting their business plan to reflect the outcome of that consultation. Some councils already have audit committees. This Bill does not increase costs for those many councils that are already achieving these standards.

Nevertheless, this Bill does have the effect of raising the bar for some councils that have struggled to reach appropriate levels of financial accountability. For example, not all councils have long-term plans for the maintenance of their assets such as roads, drains and buildings. Those councils will be required by this Bill to compile an asset register, and to plan for long-term maintenance of those assets. That sort of change will impose some cost on those councils and their ratepayers.

However the cost of failing to do so would be much greater. The cost of compliance with the provisions in this Bill will be much less, over time, than the long-term costs those councils are allowing to mount up, by failing to adopt sufficiently rigorous financial management standards. The Local Government Association recently received a report from an *Independent Inquiry into the Financial Sustainability of Local Government.* That report pointed out that some councils in South Australia were failing to provide adequate funding for the maintenance, upgrading and replacement of their assets and would in future become financial unsustainable unless their policies changed. In effect, those councils were passing the costs of asset management onto later generations, allowing infrastructure to decay so that much larger rate rises or service cuts would be required in future. Although the LGA has not yet responded to the recommendations of that report, this Bill will assist councils to take responsibility for avoiding that outcome.

The Government strongly believes councils should not be fettered in raising the necessary revenue to fund maintenance and replacement of infrastructure.

On the other hand, councils should also be responsive to overall community demands and mindful of the impact of their rating decisions on the ratepayers and the relative ability to pay of those with limited incomes.

Under the current Act, councils are required to consult with their communities on rating strategies only when proposing significant changes to their rating structure. In response to public concerns and to improve the accountability of councils to their community, public consultation requirements of councils have been strengthened to include consultation on an annual basis on all proposed activities, forecast expenditure, required total rate revenue, and the anticipated level and distributive effects in broad terms of various components of the rating structure. Impact modelling will be undertaken and each council will be required to consider whether a maximum increase will be set in respect of an owner's principal place of residence.

Members of the public will have the opportunity to make submissions to their councils on the proposed annual business plan. Current provisions will also be extended to allow for the electronic delivery of information to individual ratepayers.

In relation to individual rates liability, the Bill equips councils with additional flexibility to give relief from rates in appropriate circumstances and, over and above any concessions to which a ratepayer may be entitled. State Seniors card-holders will have the option, on a non-concessional basis, to postpone all but a prescribed portion of council rates otherwise payable.

It is a key principle that Local Government is an independent and legitimate sphere of government and should be accountable to its community. However, as a responsible and accountable sphere of government, clear provisions for a review of a council's decision are required.

The Bill therefore proposes to:

· clarify that the amount payable by a ratepayer is a matter for which a review can be requested under a council's formal procedure for internal review of its decisions;

· require councils to have procedures to deal promptly with requests for such reviews; and

· clarify the Ombudsman's jurisdiction in this regard should a council be unable or unwilling to resolve a matter.

The Government's intention is that new provisions will be brought into force as soon as reasonably practicable, with appropriate transitional provisions. The Government will work in collaboration with the Local Government Association to develop sector-wide standards and templates. This will further reduce the possibility of extra resources and higher costs that might otherwise have resulted from the proposed additional requirements contained in the Bill.

In the meantime councils are encouraged to act wherever possible in accord with the proposed changes in advance of their passing into law, in order to make them effective as soon as possible.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Local Government Act 1999*

4—Amendment of section 44—Delegations

These amendments will include the power to adopt or revise an annual business plan as a power that cannot be delegated by a council.

5—Amendment of section 106—Certain periods of service to be regarded as continuous

Section 106 provides for continuity of service when an employee moves from one council or council subsidiary to another. The current section contemplates that regulations may extend the application of the section to other authorities or bodies. The amendment allows necessary modifications to be made to the application of the section by the regulations. This will enable the section to be extended to a group training scheme but only in relation to employment within the local government sector.

6—Amendment of section 122—Strategic management plans

The relevant period that is to apply for the purposes of a council's strategic management plans is now to be set at a period of *at least 4 years*, rather than a period of *between 3 and 5 years*.

A strategic management plan is now to include assessments that relate to the following matters:

(a) the sustainability of the council's financial performance and position; and

(b) the extent or levels of services that will be required to be provided by the council to achieve its objectives; and

(c) the extent to which any infrastructure will need to be maintained, replaced or developed by the council; and

(d) anticipated changes in its area with respect to—

(i) real property development; and

(ii) demographic characteristics of its community,

to the extent that is reasonable taking into account the availability of appropriate and accurate data; and

(e) the council's proposals with respect to debt levels; and

(f) any anticipated or predicted changes in any factors that make a significant contribution to the costs of the council's activities or operations.

A council will also be required to develop and adopt a long-term financial plan, and an infrastructure and asset management plan, as part of its strategic planning.

7—Substitution of Chapter 8 Part 2

A council will now be required to prepare and adopt an *annual business plan*, together with a budget. An annual business plan will be required to—

(a) include a summary of the council's long-term objectives (as set out in its strategic management plans); and

(b) include an outline of—

(i) the council's objectives for the financial year; and

(ii) the activities that the council intends to undertake to achieve those objectives; and

(iii) the measures (financial and non-financial) that the council intends to use to assess the performance of the council against its objectives over the financial year; and

(c) assess the financial requirements of the council for the financial year and, taking those requirements into account, set out a summary of its proposed operating expenditure, capital expenditure and sources of revenue; and

(d) set out the rates structure and policies for the financial year; and

(e) assess the impact of the rates structure and policies on the community based on modelling that has been undertaken or obtained by the council; and

(f) take into account the council's long-term financial plan and relevant issues relating to the management and development of infrastructure and major assets by the council; and

(g) address or include any other matter prescribed by the regulations.

A council will be required to consult the public about its draft annual business plan. Once an annual business plan has been adopted, a council will also be required to prepare a summary of the annual business plan and this summary will be sent out with the first rates notice sent to ratepayers in the relevant financial year.

8—Amendment of section 125—Internal control policies

The activities of a council should be undertaken in order "to achieve its objectives".

9—Amendment of section 126—Audit committee

Currently, it is optional for a council to have an audit committee. The amendment makes it mandatory. The amendment contemplates the sharing of audit committees between councils and allows the regulations to impose requirements as to membership. The amendment also extends the functions of an audit committee to give it a role in relation to reviews of strategic management plans and annual business plans and efficiency and economy reviews. The audit committee is also to perform the functions of an audit committee of a council subsidiary if the council has exempted the subsidiary from the obligation to have an audit committee.

10—Amendment of section 128—The auditor

Section 128 currently provides for 5 year appointments for auditors and allows auditors to be reappointed on the expiry of a term of office. The amendment allows an auditor to be appointed for any period up to 5 years but after a period of appointment an auditor is not eligible for reappointment to the same council until at least 5 years has elapsed.

11—Amendment of section 129—Conduct of annual audit

Currently, the Act contemplates that an audit opinion or audit report will be provided to the chief executive officer of a council (who will then provide a copy to any audit committee and to each member of the council). This amendment will provide that the relevant reports will now be provided by the auditor to the principal member of the council (who will then ensure that a copy is provided to the chief executive officer and each member), and to the audit committee.

12—Amendment of section 130—CEO to assist auditor

This amendment will ensure that the chief executive officer must provide any material that is relevant to *any* matter that is being examined or considered by the council's auditor.

13—Insertion of Chapter 8 Part 3 Division 5

This amendment will allow a council to request its auditor, or any other suitably qualified person (as determined by the council), to examine and report on certain matters in addition to the matters that are addressed in an annual audit.

14—Amendment of section 132—Access to documents

A council will be required to include the following items on its Internet site:

(a) the council's draft annual business plan, adopted annual business plan, and summary of its annual business plan; and

(b) the council's adopted budget.

15—Insertion of Chapter 8 Part 5

A council will be specifically required to ensure that it has appropriate policies, practices and procedures in place in order to ensure compliance with any statutory requirements and to achieve and maintain standards that reflect good administrative practices.

16—Substitution of section 150

A council will be required to take into account the following principles when making and adopting policies and determinations concerning rates under the Act:

(a) rates constitute a system of taxation for local government purposes (generally based on the value of land);

(b) rating policies should make reasonable provision with respect to strategies to provide relief from rates (where appropriate), and any such strategies should avoid narrow or unreasonably restrictive criteria and should not require ratepayers to meet onerous application requirements;

(c) the council should, in making any decision, take into account the financial effects of the decision on future generations.

17—Amendment of section 151—Basis of rating

The general provision that allows a rate to be fixed entirely as a fixed charge is to be removed. Other provisions of the Act, relating to separate rates and service rates and charges, will allow a council to impose a fixed charge in appropriate cases.

18—Amendment of section 152—General rates

The ability to impose a general rate based entirely on a fixed charge is to be removed.

19—Amendment of section 153—Declaration of general rate (including differential general rates)

A council will be required, in declaring a general rate, to determine whether it will fix a maximum increase in the general rate to be charged against rateable land that constitutes the principal place of residence of a principal ratepayer.

20—Amendment of section 154—Separate rates

An amendment is to be made so as to provide under section 154 for a separate rate to be based on a fixed charge. The requirement for a council to obtain the approval of the Minister before it bases a separate rate on a proportional measure or basis, or according to an estimate of benefit, is to be removed.

21—Amendment of section 155—Service rates and service charges

Additional items are to be listed in the Act with respect to the services for which a service rate or service charge may be imposed. Another amendment will allow a service rate or service charge to vary according to factors prescribed by the regulations. It will also be made clear that a council may declare a service rate or a service charge despite the fact that the relevant service is provided by a third party on behalf of the council.

22—Amendment of section 156—Basis of differential rates

A differentiating factor for rates that is based on the locality of land will be required to comply with any requirement or principle prescribed by the regulations.

23—Amendment of section 158—Minimum rates and special adjustments for specified values

It will be possible to fix a minimum amount payable by *any* rate or charge (and a minimum amount will be able to be varied according to factors prescribed by the regulations).

24—Amendment of section 166—Discretionary rebates of rates

The items for which a rebate may be granted under section 166(1) will be altered to include cases where the rebate is considered by the council to provide relief in order to avoid what would otherwise constitute—

(a) a liability to pay a rate or charge that is inconsistent with the liabilities that were anticipated by the council in its annual business plan; or

(b) a liability that is unfair or unreasonable.

25—Repeal of section 171

A council will be required to prepare, and to provide to ratepayers, a summary of its annual business plan rather than a rating policy.

26—Amendment of section 181—Payment of rates—general principles

The general provisions relating to the payment of rates are to be adjusted so that information specified under the regulations will be provided to a ratepayer if the payment of the rates has been postponed under another provision of the Act. Another amendment will allow a council, under an agreement between the council and the principal ratepayer, to send a rates notice by electronic communication.

27—Amendment of section 182—Remission and postponement of payment

An amendment will make it clear that a postponement of the payment of rates under section 182 may rate to the whole or a part of the payment.

28—Insertion of section 182A

The new section proposed by this clause will allow a person who holds a State Seniors Card, or who is eligible to hold such a card and has applied for the card (a ***prescribed person***), or who is the spouse of a prescribed person, to apply for the postponement of a prescribed proportion of rates if the rates are payable on land that is the principal place of residence of the prescribed person and the land is owned by the prescribed person, or by the prescribed person and his or her spouse. The rates will then become due and payable when title to the relevant land is transferred to another person, or when a condition that applies with respect to the postponement is breached. Interest will accrue on the amount the payment of which has been postponed.

29—Amendment of section 184—Sale of land for non-payment of rates

Section 184 is adjusted to ensure that a postponement of rates does not, of itself, lead to a power to sell land.

30—Insertion of section 187A

The new section 187A proposed by this clause will allow the Ombudsman to conduct a review of the administrative practices and procedures relating to rating of 1 or more councils. New section 187B proposed by this clause will allow the Ombudsman to carry out an investigation if it appears to the Ombudsman that the council's declaration of any rate or service charge may have had an unfair or unreasonable impact on a particular ratepayer.

31—Amendment of section 270—Council to establish grievance procedures

The procedures established by a council for reviews of its decisions must allow applications that relate to the impact of a declaration of a rate or service charge to be dealt with promptly and, if appropriate, dealt with through the provision of relief or concessions under the Act.

32—Amendment of Schedule 2—Provisions applicable to subsidiaries

The amendments enable the regulations to include requirements relating to the membership of audit committees of subsidiaries.

33—Amendment of Schedule 4—Material to be included in the annual report of a council

34—Amendment of Schedule 5—Documents to be made available by councils

These are consequential amendments.

Schedule 1—Related amendments and transitional provisions

The amendments to the *City of Adelaide Act 1998* are consequential. An amendment to the *Rates and Land Tax Remission Act 1986* will revise the definition of ***rates*** so as to include rates or charges under the *Local Government Act 1999* for the provision or treatment of water.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

JUSTICES OF THE PEACE BILL

Received from the House of Assembly and read a first time.

ADJOURNMENT

At 4.15 p.m. the council adjourned until Monday 19 September at 2.15 p.m.