HOUSE OF ASSEMBLY

Tuesday 24 July 2007

The SPEAKER (Hon. J.J. Snelling) took the chair at 11 a.m. and read prayers.

VISITORS TO PARLIAMENT

The SPEAKER: I acknowledge in the chamber this morning students from Ross Smith Secondary School and visiting students from Kamisu Senior High School in Japan, who are guests of the member for Torrens.

SELECT COMMITTEE ON THE PENOLA PULP MILL AUTHORISATION BILL

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries) moved:

That the time for bringing up the report of the committee be extended until Thursday, 26 July.

Motion carried.

PUBLIC FINANCE AND AUDIT (CERTIFICATION OF FINANCIAL STATEMENTS) AMENDMENT BILL

Adjourned debate on second reading.
(Continued from 31 May. Page 271.)

Mr GRIFFITHS (Goyder): I confirm that I will be the lead speaker on this matter, and that the opposition will be supporting the bill. We note that the principal aim of the bill is to update the requirements concerning chief executives and officers who are responsible for financial administration to certify the financial statements prior to delivery to the Auditor-General. My recollection in reading the notes on this, and from the details provided in the briefing, was that it initially stemmed from comments in the 2003-04 Auditor-General's Report, and subsequently in 2004-05, and that the government has acted upon this. We note that the current requirements of the act have remained relatively unchanged for 20 years, and they do not necessarily reflect the changes to financial reporting practices and related requirements that have occurred during that time.

The second reading speech provided by the advisers stated that the Auditor-General, in his report for the year ended 30 June 2005, raised concerns about the legislative requirements for certification. The Auditor-General reported on this matter—and I have referred to that—indicating that it was necessary to create some improvements. Specifically, the bits I noted out of the Auditor-General's Report stated:

> The certification obligations of the Chief Executive and the officer responsible for financial administration, in my opinion, include a responsibility to be satisfied that the certificate is honestly and responsibly given. In short, both the Chief Executive and the officer responsible for financial administration must take reasonable steps to ensure that the certificate signed by them is not false or misleading. The Chief Executive and the officer responsible for financial administration would not have a reasonable basis for execution of the certificate if either of them was aware that there was information that a particular account balance was knowingly misstated and likely to mislead any interested user of the financial statements.
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> It is therefore important that the Chief Executive has established and maintained satisfactory internal control processes and procedures over financial reporting to ensure the efficient and effective preparation and audit of financial statements and to enable the certification to be given. Adequate controls will incorporate reconciliation processes in respect of the financial accounting standards and financial account balances and quality assurance procedures with regard to documentation, supporting the representations of the financial statement.

The Liberal Party has considered this bill at a joint party meeting. We are somewhat intrigued that it will not actually apply to the accounts prepared for the period to 30 June 2007, but instead comes into force at the completion of the 2007-08 financial year. We have questioned whether it will apply to any entity that requires a reporting period to 31 December 2007, and I would like the Treasurer to clarify that issue. We also note that portions of this bill were originally part of the Auditor-General's powers bill previously introduced in the parliament but not passed. The intent is a good one. We think that the necessity to ensure that all chief executives and officers responsible for financial statements actually certify that the records they provide to the Auditor-General are correct is an appropriate measure, and we look forward to the swift passage of the bill without any subsequent amendment.

The Hon. R.B. SUCH (Fisher): I support the bill, which we could call the Kate Lennon bill. It is a reasonable measure in terms of requirements imposed upon a chief executive officer. I mention briefly a couple of issues that I have been on about for years and, whilst not central to the bill, they are nevertheless important, namely, a greater focus on efficiency and effectiveness in terms of the role and responsibility of the Auditor-General. Other states have been doing it for a long time. Here, for some reason, even though the previous Auditor-General (Ken MacPherson), for whom I have high regard, said he was able to do it, I have yet to see in the annual reports of the Auditor-General an expression or focus on what I would call efficiency and effectiveness issues. As I have said on many occasions, we need to know—in particular, in relation to government agencies—where their staff allocation is, whether it is in terms of the central core business of that agency or whether the people in that department are lost in general bureaucratic activity.

I think it is important that in South Australia we follow the lead of some other states in relation to efficiency and effectiveness, rather than simply focus on what I would call bookkeeping. Whether or not it is in relation to the specific provisions of this bill or other financial accounting, I think it is probably more important for the taxpayers in the community to know that the money is being spent efficiently and effectively and not only whether it is being spent in a way that I would describe as honestly spent, but also whether it is being spent according to bookkeeping-type principles. The other issue—and, although this is a hobby horse of mine, I will not transgress in terms of standing orders—is trying to get local government to come to the party for proper scrutiny in relation to its accounts, but that is a matter for another time. I support the bill.

The Hon. K.O. FOLEY (Treasurer): I thank members for their contribution. As the member for Fisher pointed out, this bill in no small part came about as a result of the actions of Kate Lennon who, in the government's opinion, had been inappropriately dealing with matters of financial probity within her portfolio, and the government moved to improve the accountability of CEOs when they sign off on their accounts. That is a prudent thing to do and perhaps something the former government should have done, because then we may not have had the problems that we have had. However,

like many things I have had to do since coming to office, I have had to improve significantly the quality of financial reporting and strict adherence to policies across government because, when I came to office, they were in one word a shambles.

In response to the shadow minister's question about the period of time in which this requirement will be effective, obviously once the bill is enacted, if there are entities that report in December 2007, they will be required to comply with the law. We are not sure offhand whether there are any; TAFE may, and there may be some other authorities that report in December 2007, but I do not have that information with me. If they are, we will endeavour to ensure that that occurs and, consequently, we would not be in a position to have this effective for the 2006-07 year because it is not law. It is a good improvement and one that we would have liked to implement earlier but, for political reasons, the opposition chose to oppose the government's original bill which contained a number of other new control mechanisms. Anyway, having said that, I thank the opposition for its support, and I am happy to see the bill move to the third reading.

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

STATUTES AMENDMENT (TRANSITION TO RETIREMENT—STATE SUPERANNUATION) BILL

Adjourned debate on second reading.

(Continued from 6 June. Page 332.)

Mr GRIFFITHS (Goyder): It is my pleasure to confirm that I will be the lead speaker for the opposition on this bill, and I indicate that we offer our support for it, but we also have some questions to ask. I note that there is one amendment proposed by the Treasurer that will require our going into committee. I offer my thanks for the very detailed briefing that the Liberal opposition staffers and I received on this matter. As someone who has tried to have an understanding of superannuation over the past few years, it was a great pleasure to talk to somebody who knows about it and who could provide a lot of examples of how it actually works. It is important that that is emphasised, because that sort of level of information is not always available. I have read the information provided with this—the second reading explanation and the briefing notes—with interest, and, as I understand it, it means that access to part of one's superannuation—if they are a public sector employee and a member of Super SA's superannuation benefits—is available to any person who has reached the age of 55, or has reached the preservation age.

For anyone born after 1 July 1964 the preservation age will be 60. The example provided to us involved a member of the Public Service who was 55 and able to retire at that age and able to access 52 per cent of their wage and who chose to negotiate with their superiors the ability to work on a lesser time frame—three days, as an example—and, because they were working 60 per cent of the time, they would also be able to access 40 per cent of their superannuation. So, instead of it being 52 per cent if they retired full-time, by working six days per fortnight they would access 20.8 per cent of their superannuation. It means, though, that to actually pursue this option people have to make a lifestyle choice. Many people who are 55 and over are choosing to do so.

People of baby boomer vintage are looking at opportunities to slow down their life, but an important consideration is that we can actually derive and provide the lifestyle that we need. Because you would still be on 80 per cent—again, enforcing the fact that it is subject to negotiation and agreement by those above 26 per cent of their wage and 20.8 per cent of it from their superannuation benefit—I think that it would be a wise option for many people to take. It will provide them and their partners with the lifestyle they want to enjoy, and there will probably be a lot who will take it up. The briefing that we were given detailed the government's belief that up to 10 per cent of public sector employees may pursue this option. My presumption is that—without specifically having asked the question at that date, but I will ask the Treasurer to clarify this—the 10 per cent is obviously only those who are above 55 or who have reached the preservation age. I seek clarification on that.

I think it is a very good move, too. As people make lifestyle choices, the Public Service, which performs an incredibly valuable role in South Australia, has something like 79 000 full-time equivalent employees, and about 95 000 people who actually work within South Australia in the Public Service. To suddenly lose a tremendous amount of skill, expertise and historical knowledge within a short time frame would make it very difficult. By implementing this legislation the government is raising the opportunity wherein, instead of losing that skill, knowledge and experience immediately, there is an opportunity to have it around for a little longer. People might be encouraged to make a lifestyle choice but still be in the workforce for a few more years.

I also note that the government, I believe, if it has not done so already, is about to make allowance for the fact that people who have long service leave entitlements are actually able to access it on a day per day basis as opposed to a week as a minimum period, as it may have been in the past. I know the briefing that we were given mentioned one employee, I think, who has 360 days of long service leave available to them. This legislation will allow people to have a bit of a test run. As I understand the bill, the intent is that, once you agree to this provision, reduce your work hours and partly access your superannuation, you cannot suddenly change your mind later on and go back into the workforce full-time. The Treasurer might clarify that, also. People who choose to access their long service leave first in whatever form will be able to have a bit of a test run to see, while their remuneration does not alter the lifestyle opportunities that arise, that they can then make a choice if they can fit it in financially. I have a few comments to make based on information given to us—

The Hon. K.O. Foley: Does it relate to the clauses?

Mr GRIFFITHS: No; it does not relate to the clauses. One of the great things in the bill is, as I understand it, that it will allow those people who are employed under contract—be they teachers, TAFE instructors and things like that whose contract may finish in December and the next contract may not necessarily be negotiated until early February—to ensure that death and disability insurance cover will be in place for up to three months from the completion of the initial contract, therefore giving them the protection they need. The topic of the second contract, and whether it is going to be accessed, was discussed within our party room. I understand there may be some difficulties but, given the increasing number of people who are being employed under contracts of 12 months or shorter, it is important that some protection exists for them in the vital areas of death and disability.

I want to raise a couple of points in respect of a retired public servant who expressed some comments to us and suggested that these matters should be clarified. The material states:

> It is pointless introducing legislation like this unless the government actively measures the performance of its chief executives by reference to the take-up rate of part-time employment. It might be worth asking the Treasurer what are the government's intentions in this regard.

The answer we were provided with indicated that the proposals were modelled on a take-up rate of 10 per cent when fully operational. I ask the Treasurer to comment on that.

Again, that prompts the question as to whether such a person (who is in the closed pension scheme) might be able to take a draw-down benefit for a period while in part-time employment and, subsequently, still qualify for a full pension benefit by returning to full-time employment before retirement (for example, by increasing their contribution rate). Whilst I understand this is not the purpose of the bill, we seek clarification of that. In the briefing provided the very strong answer was, 'This cannot happen.' I ask the Treasurer to confirm that for the record.

The next question asked was: why have judges not been consulted? That was the perception of the person who contacted the opposition. The advice we were given was that Chief Justice John Doyle had been consulted and offered his support for the bill. The next question posed to us was: might it not be possible for a public servant to gain election to parliament and qualify for both a parliamentary superannuation benefit and a pension under the state pension scheme? Again, the answer provided to us in the briefing was, 'This cannot happen.' I ask the Treasurer to confirm that. The material further stated:

> This then prompts me to ask about the discount rate to be applied to the judge's suspended pension entitlement under the state scheme for the purpose of commuting it to a lump sum.

There was no answer provided during the briefing about the discount rate, so I ask the Treasurer to give consideration to that and express an opinion.

Also, it was noted that, in the second reading explanation, there was reference to 'judges' and 'judicial entitlements'. The proposed new section 40B refers to the Judges Pensions Act which covers only the state bench and, therefore, a crown law officer appointed to the federal bench may be unaffected and would, presumably, still be able to double-dip. The answer provided to us in the briefing was, 'This cannot happen.'

After those few words, I have one final important point to make, which was raised during our portfolio committee consideration of the bill. Whilst I acknowledge the outstanding benefits that the bill will allow to public sector employees, the question is: how does it affect the cap that is in place in relation to employment numbers for the public sector? I understand that, where negotiation occurs and a reduction in hours takes place (again, using the example of working three days per week, a drop of two), based on the fact that the role that person is performing is a vital one, is it the intention that someone else backfills that role? Does that someone else come from the existing public sector workforce, or is there an intention to employ someone else to backfill that role, therefore affecting the cap and pushing up the number of public sector employees? We are a little concerned about that.

I know the Treasurer has been quite outspoken on the use of the cap and the efficiency dividends that are required within each of the departments. If more people are not going to be employed and we have up to 10 per cent of eligible workers above the age of 55 accessing this benefit, is it the intention that the public sector must absorb that loss of human resource and that efficiency gains within the departments that take up this option have to be created to ensure that no more people are employed? Subject to clarification of those few points, I indicate that the opposition supports the intention of the bill. No doubt there will be many public sector employees out there who are looking forward excitedly to the option of accessing these provisions.

The Hon. R.B. SUCH (Fisher): I notice that my name plate is quite loose. I know some people would suggest I might have a screw loose, but I think someone has anticipated that I would be retiring shortly and loosened my name plate. I support this measure because I think it is innovative and a positive development in terms of helping to retain people in the public sector who can make a contribution. I believe it should go further and allow people who want to work full time to access part of their super entitlement, provided they have met a particular age requirement, and I would be arguing that that should be 60. In that way people could access a lump sum. They might want to purchase a home or use it for some other purpose.

I cannot see any logical reason why full-time employees—and that would also include people who are not technically public servants, people like MPs and, I guess, judges—should not be allowed to access part of what is their legitimate entitlement. They have served the time and they have made their contributions, why should they not, for example, post age 60, be able to access some of their entitlement? The current provisions really encourage people to retire when many countries—for example, Japan—have people working well into their 70s and, indeed, even older than that. Provided they can do the job, there is no reason why they should not be allowed to do so.

At the moment the system acts as a disincentive for those who may wish to work full time and access part of what they have contributed. In my own case, I am in the bizarre situation—although I think there is at least one other member in here, probably others—where I would be better off financially not working and living off my super. Because I have been a minister and a speaker I would be better off than continuing to work. I enjoy what I do, and it may not be seen in the same light by everyone else, but the point is that we should have a system which encourages people who want to contribute, and who can contribute, to do so.

So, in essence, I support this measure. It is a step in the right direction. I commend the government for coming into line and fitting in with what the commonwealth government has also been advocating, but I think maybe the Treasurer might take up with his interstate and federal colleagues the issue of whether or not we allow people who want to continue to work to be able to access at least part of their entitlement, perhaps as a lump sum, and keep on working.

The Hon. K.O. FOLEY (Treasurer): I thank members for their contribution. At the outset I refer to the issue of the questions that were asked by the member at the briefing and the answers given. Unless my trusted advisers here shake their heads vigorously, I assume that the advice was made in good faith and is correct. That is the advice that officials are giving me. So, if they gave the honourable member bad advice, I am acting on their advice, but my experience of the

officers involved means that the honourable member would have been given the best advice possible.

It is an FTE cap and it is not the government's intention that this would allow agencies, if they put on somebody who works two or three days a week, to get a full FTE to recover. It is for the CEOs to manage within their approved cap. They will have to make the adjustments accordingly and they would not be authorised to employ above the FTE cap, so it would have to be managed by the agencies themselves. I say from the outset that it certainly would not be the government's view that the member for Fisher should retire. We love you, Bob, so you keep representing the good people of Fisher.

Mrs Geraghty interjecting:

The Hon. K.O. FOLEY: It just got seconded by the member for Torrens. A number of questions were put forward, such as: will employees who take up this proposed arrangement be able to automatically return to full time? The answer, I am advised, is no; it would have to be negotiated. Another question related to the modelling based on 10 per cent of persons aged 55 to 60 taking up the option. Clearly, it will take some time to reach 10 per cent. The advice that I am given is that it will take quite a number of years and, like a lot of things, it is subject to variation.

In terms of new MPs standing for parliament, of course, there is no longer a parliamentary superannuation scheme that they would be able to access, other than the 9 per cent. To answer the question from the good member for Fisher, I am advised that commonwealth law does not allow a person to access a lump sum before retirement. We are having discussions with the commonwealth about the possibility of people accessing a small lump sum. So, those negotiations are underway. With those few comments, I thank the house for its support.

Bill read a second time.

In committee.

Clauses 1 to 16 passed.

New clause 16A.

The Hon. K.O. FOLEY: I move:

Page 17, after line 13—Insert:

16A—Amendment of section 45—Effect of workers compensation etc on pension

Section 45—after subsection (1) insert:

(1b) Subsection (1) does not apply in relation to a pension that constitutes a draw down benefit under section 33A.

On considering the bill after it was settled further, technical advice to the government was that there were some unintended consequences. This is a technical amendment which is necessary to ensure that the suspension provisions of section 45 of the Superannuation Act do not impact on a draw-down benefit paid to a person who has voluntarily partially retired in terms of the transition to retirement provisions contained in this bill. The suspension provisions in section 45 will continue to apply to any workers compensation or invalidity pensions paid in respect of ongoing employment.

Mr GRIFFITHS: The amendment was flagged with us when we held a briefing some five or six days ago. Since that time, I have had the opportunity to review the explanation for the amendment provided by Mr Prior which I had asked for, and I thank him for that. I know that it sounded rather confusing when he was trying to provide us with a practical example during the briefing but, in reading the notes, it became relatively obvious to me that it was quite a reasonable amendment to propose. It ensured that only those entitlements appropriate to any public sector employee would be paid to them. I have had the opportunity to put this to the Liberal opposition and to provide a brief analysis of the intention of the amendment. I confirm that the opposition indicates its support.

New clause inserted.

Clause 17, schedule and title passed.

Bill reported with amendment.

Bill read a third time and passed.

STATUTES AMENDMENT (PETROLEUM PRODUCTS) BILL

Adjourned debate on second reading.

(Continued from 31 May. Page 269.)

Mr WILLIAMS (MacKillop): I believe this could be characterised as a rats and mice piece of legislation; it tidies up the Petroleum Products Regulations Act. There is a bit of history behind this. Originally (and I think it goes back to 1973) a need was felt in South Australia to regulate the establishment of fuel outlets, because there was some concern that they were cropping up on every street corner. This was deemed to be undesirable, and the amount of competition introduced into the industry was also deemed to be undesirable. In regulating this, a board was set up to administer and accept applications for licences to open a fuel outlet and to issue such licences.

Since the act has been looked at under the Competition Principles Agreement the government has (I think quite wisely) decided that we no longer need the benefit of those regulations. I understand that for at least the last 10 years we have been losing fuel outlets—there are a large number of fuel outlets closing down, at a rate of approximately 22 per year—and, of course, the way fuel is retailed these days is very different to what it was in the 1970s, particularly with the advent of self-service some years ago and the more recent advent of much larger fuel outlets that have a vast array of pumps. The convenience to the motoring public has not diminished at all by the closure of a number of the outlets—indeed, competition is still pretty brisk.

I would like to take the opportunity (it is one of my little hobbyhorses) to express my concerns regarding the conglomerates, particularly Coles and Woolworths, and the way they have entered a number of markets. I have always felt they have had too much market power in retail—particularly in their traditional line of groceries—but I believe they now have far too much market power in a number of other areas as well, particularly in wine but also in beer and spirits. I feel that they are also now gaining too much power in the area of fuel retailing as well. I do not believe this is an issue for this parliament but, once again, I urge our colleagues in Canberra to do something about it. It is something they have steadfastly refused to do for many years, but I will keep arguing that we need to do something to curtail the market dominance of several players in the Australian marketplace.

Getting back to the bill, as well as disposing of the board and the requirement to have a regulated licensing system, the government has suggested that it is necessary to keep the principal act because of two issues that it still needs to be able to control. One is the issue of subsidies. My understanding is that there was a High Court case in 1997 that cast doubt on the ability of state governments to levy what was deemed to be an excise. I am sure the Treasurer remembers budget days

in years gone by when the excise on tobacco products, fuel and alcohol was always increased to increase the amount of taxation flowing into the Treasury's coffers. Because of the Australian Constitution it was deemed that those particular excises could not be raised by the states, and an arrangement was made whereby the commonwealth government took over the raising of those excises and then passed the moneys back to the states. Several things came into play there.

The licence fee that was collected in South Australia varied across the state (there were three zones) to try to make up for the cost of transporting fuel out into country areas to try to bring the price of fuel in country areas in line with city prices. Under the commonwealth constitution, the commonwealth had to raise the tax across the nation at the same rate. So, it averaged the rate across the nation, and the various states found that the tax being raised in individual jurisdictions was different from what had previously been raised. For instance, Queensland has never had a fuel excise. Even today, fuel is still substantially cheaper in Queensland than it is in other states because the Queensland government rebates the total tax it receives from the commonwealth to the fuel industry and, I guess, to motorists.

In South Australia, we have a subsidy scheme whereby we rebate a portion of that money (it is not the same across the state because we still have the zones), and that will still be administered under this act. The act also gives the government powers to ration and restrict the sale of fuel during times of fuel shortages, and those powers will remain in the act because the government has decided that it needs to keep the act for that purpose. Other issues, particularly safety issues, covered in this act have been subsumed under the Dangerous Substances Act and are being deleted or repealed through this bill, and I think that is a good thing.

Although I do not think the opposition will need the bill to go into the committee stage, there are a couple of things the Treasurer might address in his summing up for my benefit. I raised a couple of questions during the briefing, one of which related to bulk end user certificates. I am not quite sure why we have a system of issuing bulk end user certificates. It just fascinates me. There must be some levy that comes into play, depending on the amount of bulk fuel people buy. As a farmer, I purchase fuel in bulk and store it on the farm for farm use. In my own situation it is not huge volumes of fuel (we probably purchase a couple of thousand litres at a time, particularly of diesoline), but I know that many farmers in the cropping parts of the state purchase 10 000 or 20 000 litres of fuel at a time. I am not too sure whether they are obliged to have a bulk end user certificate or whether that system is confined to organisations that purchase much more fuel than that. I do not understand the rationale behind that system and why we have left it in the act.

The other thing is that I understand that South Australia is the only state with this type of legislation, and I wonder how other states handle those two issues, which will remain in this act. I also wonder whether there was an opportunity to repeal the whole act and, in fact, transfer all its functions (namely, the subsidies and the ability to ration) into other pieces of legislation. I did ask a question at the briefing and I understand the minister's staff have answers, so the minister may be able to pass that information on to the house.

Having said that, the opposition supports the bill. I personally am delighted to support any piece of legislation that repeals clauses in our statutes. I would rather see us repeal whole statutes as a way forward because generally in this place we are increasing the amount of statute law and I have always believed that we should be trying to decrease it as quickly as we can.

The Hon. R.B. SUCH (Fisher): I support this bill, which is long overdue. I am surprised it has taken so long to get to this point, but I welcome it. When one talks about petrol outlets and service stations one is reminded that that is where John Howard started his career—and members can read into that whatever they wish. The current restrictive provisions are not justifiable and the bill gets rid of unnecessary duplication that has existed for far too long. It does concern me that the petroleum industry is a branch of the grocery industry. They are two unlikely siblings but they are very closely linked. We are seeing the demise of the small entrepreneur and the little family business running petrol outlets.

Both major retailers—Coles and Woolworths—are now very much into petrol retailing and use their grocery arm to support their petrol arm, and vice versa. Also, some other big chains, while not specifically into grocery retailing, nevertheless, are increasingly taking over small independent service stations. One of my concerns is that the prices in some of those places are excessive. People could argue that we do not have to go there but, in fact, I describe some of them as a rip-off. Members might say that they do not have the buying power of a big chain, but that is not true because most of them are part of a big chain and they have the buying power of a big conglomerate.

This bill will not address the issue. I do not suggest for a moment that the bill was ever going to do that, but in Australia we need anti-trust laws and very strong watchdog authorities to deal with increasing consolidation by a few huge corporations, not only in grocery retailing but also in petrol retailing. We have gone beyond what has been allowed to happen in the United States. The Americans would not tolerate for a minute what we have allowed to happen here. We have allowed the consolidation of a couple of giant corporations, and others are growing and becoming corporation size. The Americans would not have allowed this. In fact, under their anti-trust laws this would be prohibited.

This is one step in terms of taking the shackles off one aspect of the petroleum retailing industry, but in another more fundamental way the shackles are right on the consumer because there is less choice in terms of where one can purchase fuel. These outlets are linked with the big grocery chains and other corporations, many of which are using their consolidated power to rip off consumers. This marks the demise of the little entrepreneur who used to earn a living legitimately by providing a real service to the community.

The Hon. K.O. FOLEY (Treasurer): I never knew that there was such a thing as a bulk end user certificate, I have to confess. However, I am told that, from a safety perspective, those certificates are still required, according to our expert advice. On the issue of whether or not we do what other states do in terms of aspects of this measure, this bill does administer the petrol subsidy scheme. Victoria, of course, has abolished its petrol subsidies. Many states have petrol subsidies. Of course, ours are targeted at rural South Australia. There is no intention to do away with that, and so we still need the bill to administer that aspect.

Mr Williams: How do the other states handle the restrictions?

The Hon. K.O. FOLEY: I cannot comment on that. I thank the member opposite for his support, the member for Fisher for his ongoing interest in most things and the house

for approving this small but important piece of economic reform by this economic reformist government.

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

VICTIMS OF CRIME (COMMISSIONER FOR VICTIMS' RIGHTS) AMENDMENT BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Victims of Crime Act 2001; and to make a related amendment to the Criminal Law (Sentencing) Act 1988. Read a first time.

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

That this bill be now read a second time.

The bill establishes the position of commissioner for victims' rights. The commissioner will have a much broader role than the victims of crime coordinator and will be able to deal with matters affecting victims in a more comprehensive manner. The commissioner will, for example, be able to assist victims of crime in their dealings with the Director of Public Prosecutions, police and other government agencies. The Victims of Crime Act 2001 provides for the appointment of both an advisory committee and a victims of crime coordinator. The advisory committee is responsible for advising the Attorney-General on practical initiatives that the government might take to advance the interests of victims of crime. The coordinator is primarily responsible for advising the Attorney-General on marshalling available government resources so that they can be applied for the benefit of victims of crime in the most efficient and effective way.

Providing advice on the marshalling of available resources is a somewhat limited role. There is a need for someone to provide a more comprehensive approach to matters that affect victims of crime. The bill therefore repeals the position of victims of crime coordinator and establishes a new independent commissioner for victims' rights. In addition to advising the Attorney-General on the marshalling of available government resources, the commissioner's role will be to:

- assist victims of crime in their dealing with the Director of Public Prosecutions, police and other government agencies;
- monitor and review the effect of court practices and procedures on victims;
- monitor and review the effect of the law on victims and victims' families;
- carry out other functions related to the objects of the Victims of Crime Act assigned by the Attorney; and
- carry out the functions assigned to the commissioner under other acts.

To assist the commissioner in the performance of his or her functions, the bill places a positive obligation (on some people) to consult with the Commissioner for Victims' Rights. In particular, the Director of Public Prosecutions must, if requested to do so by the commissioner, consult with the commissioner about the interests of victims. This could include, for example, consultation about victim impact statements and plea bargains. The commissioner will also have the power to recommend that a public agency or official apologise to a victim where the commissioner believes that the agency or official has failed to comply with the declaration of principles outlined in part 2 of the Victims of Crime Act 2001.

The bill makes it clear that the commissioner is to be independent of general directional control by the Crown or any officer or minister of the Crown. Any directions or guidelines given to the commissioner about the carrying out of his functions must, as soon as practicable after they have been given, be published in the *Gazette* and laid before each house of parliament. This will help to ensure that the commissioner is free to make independent recommendations for change that arise from any review of laws and practices. Some practical considerations for the operation of the office of the commissioner are also spelt out.

The length of the commissioner's appointment, as well as possible grounds for the termination of appointment of the commissioner, are included in the bill. A power to delegate the powers and functions of the commissioner is also provided, as is provision for the appointment of an acting commissioner. Lastly, the bill gives the commissioner standing in proceedings in which the Full Court of the Supreme Court is asked or proposes to establish or review sentencing guidelines. I commend the bill to members. I seek leave to have the explanation of the clauses inserted in *Hansard* without my reading it.

Leave granted.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Victims of Crime Act 2001*

4—Amendment of section 4—Interpretation

This clause makes a consequential amendment.

5—Substitution of heading to Part 3

This clause amends the heading to Part 3 of the Act to reflect the amendments made by this measure, and further inserts a heading to the new Division 1 into Part 3, which is comprised of current section 15 of the Act.

6—Substitution of section 16

This clause deletes current section 16 of the Act and inserts a new Part 3 Division 2 comprising the following proposed sections:

Division 2—Commissioner for Victims' Rights

16—Commissioner for Victims' Rights

This clause establishes a Commissioner for Victim's Rights, appointed by the Governor. The person appointed must not be a member of the Public Service.

The functions of the Commissioner are set out in subsection (3), and the Commissioner holds an ex officio position on the Victims of crime advisory committee.

The clause sets out procedural matters in relation to the appointment of the Commissioner.

16A—Powers of the Commissioner

This proposed section sets out the powers of the Commissioner. In particular, the Commissioner can require a public agency or official to consult with the Commissioner regarding steps that may be taken by the agency or official to further the interests of victims, and, after such consultation, may, in the circumstances set out, recommend that the agency or official issue a written apology to the relevant victim. In exercising his or her powers in relation to a particular victim, the Commissioner is required to have regard to the wishes of the person.

16B—Appointment of acting Commissioner

This proposed section provides for the appointment of an acting Commissioner in the circumstances set out.

16C—Staff

This clause enables the Commissioner to have such staff (being Public Service employees) as is necessary for the effective performance of his or her functions.

16D—Delegation

The Commissioner may delegate a function or power under the Act.

16E—Independence of Commissioner

This clause provides that the Commissioner is

entirely independent of direction or control by the Crown or any Minister or officer of the Crown, although the Attorney-General may, after consultation with the Commissioner, give directions and furnish guidelines to the Commissioner in relation to the carrying out of his or her functions.

16F—Annual report

This is a standard provision requiring an annual report on the operations of the Commissioner.

7—Amendment of section 30—Victims of Crime Fund

This clause makes a consequential amendment.

8—Amendment of section 31—Payments from Fund

This clause inserts new subclause (a1) into section 31 of the Act. The proposed subclause requires the payments made by the Attorney-General under this Act, the salary of the Commissioner and the salaries of other staff of the Commissioner (if those staff are designated by the Attorney-General as being staff to whom the provision applies) must be paid out of the Victims of Crime Fund.

Schedule 1—Related amendments to *Criminal Law (Sentencing) Act 1988*

1—Amendment of section 29B—Power to establish (or review) sentencing guidelines

This clause makes a consequential related amendment.

Mr WILLIAMS secured the adjournment of the debate.

STATUTES AMENDMENT (VICTIMS OF CRIME) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Bail Act 1985, the Correctional Services Act 1982, the Evidence Act 1929, the Victims of Crime Act 2001 and the Youth Court Act 1993. Read a first time.

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

That this bill be now read a second time.

Before the last election the government gave a pledge to make the rights of victims the priority of our criminal justice system. The Statutes Amendment (Victims of Crime) Bill gives effect to that pledge. The bill strengthens the rights of victims by extending the declaration of principles in the Victims of Crime Act 2001.

Victims of some serious crimes will have the right to be consulted before the Director of Public Prosecutions enters into a charge bargain with the accused or decides to modify or not proceed with the charges. Victims of crime will also have the right to more information about the prosecution and correction of offenders.

Some changes to the compensation provisions of the Victims of Crime Act 2001 will also be made. The maximum grief payment available to parents and spouses will more than double. Compensation for funeral expenses will also be increased. The rights and needs of victims will be further supported by amendments to the Correctional Services Act 1982, the Youth Court Act 1993, the Evidence Act 1929 and the Bail Act 1984. Amendments to the Correctional Services Act 1982 will allow victims to nominate a person to receive information on their behalf. This will make it easier for victims to keep in touch and receive information when they travel interstate or overseas, for example. Amendments to the Youth Court Act 1993 will make it clear that victims can attend court proceedings, even where the proceedings deal with offences against more than one victim. Amendments to the Evidence Act 1929 will support the proposed changes to the Declaration of Victims' Rights. The amendments will ensure that victims who are witnesses will not automatically be excluded from the courtroom. I seek leave to have the balance of the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Declaration of Principles

Part 2 of the *Victims of Crime Act 2001* sets out a Declaration of Principles about the treatment of victims of crime. The Act requires officials who deal with victims to treat them with courtesy, respect and sympathy. It gives victims extensive rights to information about the prosecution and correction of the offender, if they want it. It also requires the prompt return of victims' property, the protection of victims' privacy and other steps to protect victims in the criminal-justice system. The rights are not legally enforceable, but the Act directs public officials to see that they are accorded to victims. The Bill strengthens the rights of victims by expanding the Declaration of Principles in seven key areas.

First, the Bill makes it clear that the Declaration extends beyond the criminal-justice system to all public officials and public agencies that help victims of crime. At present, the Declaration focuses on the treatment of victims in the criminal-justice system. Victims of crime, however, use many services that do not fall within the criminal-justice system. Victims use government services including, for example, domestic-violence services and the Rape and Sexual Assault Service. I think that people who provide these services should be required to treat victims of crime with respect, dignity and courtesy, as I am sure most do. They should also be required to comply, where appropriate, with the other principles outlined in the *Victims of Crime Act 2001*.

Second, the Bill provides for victims of crime to receive information about mentally-incompetent offenders. A victim is already entitled to be told if an offender escapes from custody or is recaptured and is also entitled to be told when an offender is due for release. There is some doubt, however, about whether this right to information applies if the person accused of the crime is mentally incompetent and detained in a mental institution. The Bill removes any doubt that victims of crime have the right to know if a mentally-incompetent offender is detained, escapes, is recaptured or is released. The Bill also ensures that victims have a right to information about the details of any supervision order imposed on the offender and the outcome of any proceedings to vary, revoke or review that order.

Third, the Bill provides victims of crime with the right to information about an offender's compliance with a community-service order or a good-behaviour bond. The Interim Commissioner for Victims' Rights says that some victims would like to know whether an offender has complied with the penalty imposed by the court. It is important to their sense of justice. The Bill therefore provides victims of crime with the right to be informed, on request, about the offender's compliance with a community-service order or a good-behaviour bond.

Fourth, victims of some serious crimes will have the right to be consulted before the Director of Public Prosecutions enters into a charge-bargain with the accused or decides to modify or not proceed with the charges. They will also have the right to be consulted before the Director of Public Prosecutions applies for an investigation of an offender's mental competence under s269E of the *Criminal Law Consolidation Act*.

In any criminal case where the prosecutor decides not to proceed with the charge, to amend the charge, or to accept a plea to a lesser charge, or agrees with the defendant to make or support a recommendation for leniency, the Declaration says that a victim who asks has the right to be told why the decision was taken. This is a right to information after the event. It does not require the prosecutor to consult the victim before making a decision. The Bill provides for victims to be consulted and have his or her views taken into account before a decision is made. This right, however, will be limited to more serious cases, that is, indictable offences that result in bodily injury or death, and sexual offences as defined in the *Evidence Act 1929*. Nothing prevents the prosecution from consulting victims of other crime including, for example, property crimes or criminal attempts in which no actual injury occurs.

Fifth, victims of crime will have the right to ask the prosecuting authority to consider an appeal. Some victims feel very strongly that the sentence imposed on the offender was inadequate or that the decision to acquit was wrong. Victims often feel that these decisions should be appealed. At the very least, they feel that the prosecutor could consider an appeal. The Bill therefore provides victims of crime with the right to ask the Director of Public Prosecutions to consider a prosecution appeal. The final decision about whether or

not to institute an appeal will, however, continue to rest with the Director of Public Prosecutions.

Sixth, the Bill will ensure that reasonable efforts must be made to notify victims, who express safety concerns to police, about any bail condition imposed to protect them. As the Declaration of Principles stands there is no requirement to tell a victim about bail conditions imposed to protect them unless they request that information.

Seventh, the Declaration of Principles will be extended to highlight that victims have the right to attend proceedings against the offender. This will not affect the power of the court to order people to leave the courtroom, where such an order is desirable in the interests of the administration of justice, or to prevent hardship or embarrassment to any person.

Compensation Payments

Part 4 of the *Victims of Crime Act 2001* establishes a scheme to compensate victims of crime. The scheme provides for the reimbursement of funeral expenses where a person is killed by an offence. It also provides for the parents of a child killed by homicide, and the spouse of a person killed by homicide, to receive compensation for their grief.

The parents of a child killed by homicide are currently entitled to the sum of $3000 in compensation for their grief. The spouse of a person who is killed by homicide is entitled to $4200 compensation. These figures have not increased since 1988. I think that the grief payment available to the survivors in homicide cases is too low. The Bill provides for a new maximum payment of $10 000 for both parents and spouses. This is consistent with a recent amendment to increase the amount of *solatium* payable under the *Civil Liability Act 1936*.

The maximum payment for funeral expenses will also be increased. The Interim Commissioner for Victims' Rights tells me that the maximum payment of $5000 for funeral expenses is inadequate at present-day costs and that $7000 would be a fair maximum figure.

Criminal Law (Sentencing Act) 1988

Part 2, Division 4, of the *Criminal Law (Sentencing) Act 1988* provides for the Full Court to establish sentencing guidelines. A sentencing guideline may indicate an appropriate range of penalties for a particular offence or class of offence. It may also indicate how particular aggravating or mitigating factors should be reflected in sentence.

Several people including the Director of Public Prosecutions and the Attorney-General have the right to appear and be heard in proceedings for the establishment or review of sentencing guidelines.

The Government believes that the interests of victims should also be represented during the development and review of sentencing guidelines. The Bill therefore amends the *Criminal Law (Sentencing Act) 1995* to provide the Commissioner for Victims' Rights with the right to make submissions to the Court of Criminal Appeal on guideline sentences.

Correctional Services Act 1982

The *Correctional Services Act* provides that an eligible person may apply, in writing, for the release of information. An eligible person can, for example, apply for the name and address of the correctional institution in which a prisoner is being imprisoned. Registered victims (among others) are specifically listed as eligible people.

Registered victims are sometimes difficult to contact. A victim could be overseas or interstate, for example. Some victims have said that they would like to nominate a person to receive information on their behalf. The Bill therefore provides for the Department of Correctional Services to release information to the nominated contact person of a registered victim.

Youth Court Act 1993

In the Youth Court members of the public have no right to be present in court unless their presence is authorised. Section 24 of the *Youth Court Act 1993* authorises the victim of an alleged offence, among others, to be present in court. This authorisation is, however, subject to the courts power to exclude people from the court if it is necessary to do so in the interests of the proper administration of justice.

Where a single offender has been charged with offences that involve many victims, it is the practice of the Youth Court to exclude all victims from the court. The rationale for this practice is that it prevents victims from hearing about other offences against other people.

The right to be present during court proceedings is important to most victims. The Government thinks that it is unfair to exclude victims only because the offender happened to commit offences against other people. The Bill therefore amends the *Youth Court Act 1993* to make it clear that victims may attend court proceedings, even where the proceedings deal with offences against multiple victims.

Evidence Act 1929

Witnesses are generally excluded from the courtroom so that their evidence will not be influenced by the evidence of others. There may be some circumstances where it is appropriate for a victim who is a witness to remain in the courtroom. The Bill will ensure that courts consider the particular circumstances of the victim before ordering the victim to leave (whether to ensure a fair trial or for any other reason).

Bail Act 1984

Section 10(4) of the *Bail Act 1984* provides that, despite any other provision of section 10, the bail authority must, in determining whether the applicant should be released on bail, give primary consideration to the need that the victim may have, or perceive, for physical protection.

Section 11(2)(a)(ii) complements section 10(4). It provides that a bail authority may, where there is a victim of the offence for which the applicant has been charged, impose as a condition of bail that the applicant agree to comply with such conditions relating to the physical protection of the victim that the authority considers should apply to the applicant while on bail.

The Interim Commissioner for Victims' Rights is concerned that some offenders ignore bail conditions and continue to approach and harass victims. To address that concern the Bill extends the presumption against bail created by s.10A of the *Bail Act 1984*. The presumption currently applies only to people who are charged with some driving offences. It will now apply to people who are charged with breaching bail conditions imposed for the physical protection of victims.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Bail Act 1985*

4—Amendment of section 10A—Presumption against bail in certain cases

This clause amends section 10A to provide a presumption against bail in the case of an applicant taken into custody in relation to an offence against section 17 where there is alleged to have been a contravention of, or failure to comply with, a condition of a bail agreement imposed under section 11(2)(a)(ii) (ie. a condition relating to the physical protection of the victim).

Part 3—Amendment of *Correctional Services Act 1982*

5—Amendment of section 5—Victims Register

This clause amends section 5 to allow a victim to have details of a contact person who can receive information on behalf of the victim entered on the victims register.

Part 4—Amendment of *Evidence Act 1929*

6—Insertion of section 29A

This clause inserts a new section as follows:

29A—Victim who is a witness entitled to be present in court unless court orders otherwise

Proposed section 29A makes it clear that a court may only order a victim who is a witness in the proceedings to leave the courtroom until required to give evidence if the court considers it appropriate to do so, whether to ensure a fair trial or for any other reason.

Part 5—Amendment of *Victims of Crime Act 2001*

7—Amendment of section 3—Objects

This clause is consequential to clause 10.

8—Amendment of section 4—Interpretation

This clause inserts or amends definitions of terms used in the principal Act as amended by this measure.

9—Substitution of heading to Part 2

This clause amends the heading to Part 2 of the principal Act, reflecting the changed focus of the Act towards the treatment of victims of crime.

10—Amendment of section 5—Reasons for declaration and its effect

This clause amends section 5 of the principal Act so that the obligations under Part 2 are more specifically directed at

public agencies and officials (rather than just referring generally to the treatment of victims "in the criminal justice system").

11—Amendment of heading to Part 2 Division 2

This clause makes a consequential amendment.

12—Substitution of section 7

This clause deletes current section 7 and substitutes the following clause:

7—Right to have perceived need for protection taken into account in bail proceedings

This clause provides that if a police officer (or another person representing the Crown) in bail proceedings is made aware that the victim feels a need for protection from the alleged offender, the officer etc must (rather than should, as is currently the case) bring that fact to the bail authority's attention.

Moreover, reasonable efforts must (unless the victim indicates otherwise) be made to notify the victim of the outcome of the bail proceedings and, in particular, any condition imposed to protect the victim from the alleged offender.

13—Amendment of section 8—Right to information

This clause inserts into section 8 of the principal Act additional requirements relating to the provision of information to victims.

In particular, new subsection (1)(ga) requires details of any order made by a court on declaring the offender to be liable to supervision under Part 8A of the *Criminal Law Consolidation Act 1935* to be given to the victim, and new subsection (1)(i) requires notification of any application for variation of such an order, along with the outcome of the application, to be so given.

Proposed subsection (2) extends the information that should be given to a victim on his or her request to include information related to any community service order and bonds a defendant may be subject to.

14—Insertion of sections 9A and 9B

This clause inserts new sections 9A and 9B as follows:

9A—Victim of serious offence entitled to be consulted in relation to certain decisions

This clause provides that a victim of a serious offence (a newly defined term) should be consulted before a decision of a kind set out in the proposed section is made.

9B—Victim's entitlement to be present in court

This clause provides that a victim of an offence is entitled to be present in the courtroom during proceedings for the offence unless the court, in accordance with some other Act or law, orders otherwise. The note to the new section explains the type of Act or law which may require the exclusion of the victim from the courtroom.

15—Insertion of section 10A

This clause inserts new section 10A into the principal Act, which provides that a victim who is dissatisfied with a determination made in relation to the relevant criminal proceedings (being a determination against which the prosecution is entitled to appeal) may, within 10 days after the making of the determination, request the prosecution to consider an appeal against the determination. If the victim does so request, the prosecution must give due consideration to the request.

16—Amendment of section 20—Orders for compensation

This clause amends section 20 of the principal Act to increase the amounts payable under the section by way of compensation.

Part 6—Amendment of *Youth Court Act 1993*

17—Amendment of section 24—Persons who may be present in court

This clause inserts new subsection (1a) into section 24 of the principal Act, making it clear that a person who is entitled to be present at a sitting of the Court under subsection (1)(f)(i) of that section (ie, an alleged victim of the offence and a person chosen by the victim to provide him or her with support) may be present regardless of the fact the proceedings also relate to other offences.

Mr WILLIAMS secured the adjournment of the debate.

MURRAY-DARLING BASIN (AMENDING AGREEMENT) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 6 June. Page 334.)

Mr WILLIAMS (MacKillop): Again, we have a bill before us that I would characterise as a 'rats and mice' piece of legislation. It introduces no new policy, but it tidies up the administration of a very important asset to the state of South Australia and, of course, other states—and we are obviously talking about the River Murray and the Murray-Darling system. Some of the states have had a long history of cooperation with respect to the River Murray, dating back to the early part of the last century. The first agreement was made, I believe, in about 1914 between New South Wales, Victoria and South Australia to administer the River Murray as it flows through those three states.

A number of agreements have been made from time to time. The current agreement, I understand, has its roots back in the early 1990s. The bill seeks to amend the Murray-Darling Basin Act 1993, but the agreement dates from 1992. The significant difference between the agreement that we have been working under for the last 15 years and earlier agreements is that now it is not just the River Murray agreement, it is the Murray-Darling Basin agreement, and it brings in the Australian Capital Territory and Queensland. The revised agreement was signed off on 14 July last year by the respective state premiers, first ministers and the Prime Minister, and amended on 29 September. That revised agreement does a number of things. Principally, it officially brings the agreement into line with current management practices and enables those practices to catch up with the reality of the way the river and the system should be managed, particularly with regard to infrastructure.

The bill does a couple of minor things. It captures one typographical error in the principal act. It also underwrites the agreement that the state of Queensland will be responsible only for the cost of works that are of direct benefit to Queensland and occur in the upper reaches of the system, so as not to saddle that state with costs incurred further downstream which only impinge on the river and its management with regard to the other states and signatories to the agreement.

I guess the principal part of the bill enables River Murray Water, which is the business arm that sits under the Murray-Darling Basin Commission and actually on a day-to-day basis operates the river and the infrastructure on the river (the weirs and locks, etc.), to better manage, particularly, its finances and budget in a different manner than previously.

As we move forward, some of the significant structures on the river, because of their age (particularly the locks and weirs), will require even more expenditure than previously. I know we currently have a program of modernising some of the structures. We are putting fish passageways in weirs, so there are costs there. In recent years we have also expended large sums of money on environmental issues, and we pump water in some instances onto wetlands to ensure flooding and try to replicate some of the natural flow cycles of the river by flooding some of the river flats in selected areas, particularly areas where the native vegetation and fauna have survived as well as they possibly could under the modern flow conditions experienced in the river. As we move forward, I suspect that there will be a call to spend more money on those parts of the

river to improve the environmental outcomes from the headwaters to the Murray Mouth.

Here in South Australia we know how important the river is, principally because most South Australians rely directly on the River Murray for their water supply. That is another issue, but it does underpin the importance of the River Murray and the Murray-Darling Basin to the state of South Australia. I argue that it is much more important to South Australia than any of the other states. It is economically important to other states, but it is of absolute vital importance to the state of South Australia.

The amending bill also inserts some clauses to do with salt mitigation schemes which were not contemplated 20 years ago in the way they are now, and a number of new initiatives have been taken in South Australia, and in other states on other parts of the river, to mitigate against inflows of salt to the river. Of course, as we all know, currently, because flows into the river have been so small and most of the flows have been from the headwaters in the alps, the quality of water coming down the river in recent years has been very high. But, when the drought breaks, as I have every confidence it will, although I do not know when, the next time we get a decent deluge we will have serious salt problems in the river, and we have to be on the lookout for that, so that the more work we can achieve in the meantime with the salt inception schemes to ameliorate the amount of salt going into the river, the better.

The opposition supports the bill. I do not know whether the member for Enfield will speak, but it is his wont on a regular basis to comment on legislation that we are virtually forced to pass in order to comply with agreements made at COAG level. He may desist this time. As I said earlier in my comments, this legislation is a direct result of an agreement signed off by state premiers, the Prime Minister and the head of the ACT government, so we are formalising (as, I understand, are other states) an agreement that has already been signed off. The opposition supports the agreement and sees no need to go into committee.

Mr PEDERICK (Hammond): In regard to the bill, I would like to make a few comments on river health and some of the programs that have been completed or are nearing completion at the moment. As our lead speaker the shadow minister for water (the member for MacKillop) indicated, we are all aware of the ravages of drought and the need for this river system to be very well managed. Although the government and the opposition in South Australia may have slightly different views on how they want to get there, I know that the sooner we have national control of the Murray-Darling Basin and the whole system the better off everyone will be.

The barrages are still leaking (quite heavily at times) near Hindmarsh Island. This has caused a lot of angst, with salt entering the system and flowing right round to Point Sturt, and a huge flush-out of water will be needed to tidy up the Lower Lakes. Another issue in my electorate of Hammond is the Lower Murray Rehabilitation Scheme, which certainly has brought quite large water savings—more than many people anticipated—to the land that has been rehabilitated. I believe that there will be long-term issues with the tracts of rehabilitated land and the land that has not been rehabilitated, and this will need to be addressed by government in some way, shape or form in the future. I believe that about only half of the $22 million committed to this program has been spent. I think that part of the future management of the river will be to tidy up leaks in the cracking walls of the levee banks on the edge of the river.

I have already mentioned the commonwealth takeover; I do not think that this can happen soon enough. I am sure that the minister is talking to Victoria all the time, trying to get it to come on side. It would be interesting if the federal government did come on board and decide to spend $10 billion in three states and not four. It might be something for Victoria to chew on—when it sees its neighbours across the river having money spent on infrastructure and its not taking a share of the pie. Perhaps it needs to think about what is going on.

One part of the commonwealth takeover will be the water that is returned to the system, that is, 50 per cent to the environment and 50 per cent to irrigators. I think that this year has certainly proved that the river is overallocated. Irrigators have told me that they had the warning in 2002, that we did not take enough notice and that we had the belting this year. Certainly, better management of the system is to be commended. As to the Wimmera system in Victoria, the piping of water will achieve the same result of water delivered, with 3 gigalitres of water delivered through the system and 30 gigalitres currently. It is a huge saving, and it can be done.

I cannot speak about the river today without making reference to the proposed Wellington weir. I note that some members are surprised and shocked that I bring up this subject. However, I would like this proposal not to be just talked about as though it will never happen: I would like to see it officially go off the agenda.

The Hon. K.A. Maywald interjecting:

Mr PEDERICK: I am from the Uniting Church, minister. I am not a regular goer, as I am too busy at the moment. My father was a lay preacher but, as a farmer in my past life before coming here, I have at times prayed for rain and I have been praying now, because we do need rain and it is good to see. I had a report from the member for MacKillop that there were some adequate snow falls in the Victorian snowfields—probably better than adequate.

The Hon. R.B. Such: Is he taking credit?

Mr PEDERICK: Be that as it may, he may have brought it with him. Seriously, the weir has caused a lot of mental health problems below Wellington and we need to get other methods of water use up. I know that the government is looking at desalination. We brought forward a policy in January on desalination, and I know it is not the silver bullet but it will be part of the process to alleviate the pressure on the Murray. Moving forward, we need to look at a several-pronged approach to relieve the pressure on the river. I know for a fact that irrigators in Victoria are on zero allocation and our irrigators are on 4 per cent. Irrigators need to have a long, hard look and think: we do not want to be in this situation again; we want adequate use of water but we do not to see major plantations going in when everyone else cannot get water at the moment.

The Hon. R.B. SUCH (Fisher): This is an important bill and I commend the minister on her efforts so far to help bring this to realisation. We know that Victoria has been slow to get to the altar. Maybe I am being a bit unfair, but the way I read it is that in Victoria they seem to be suggesting that they do not want anything to change; that you can keep on over-allocating water and everything will be fine. One of the reasons we are in a bit of a bind is because of over-allocation and also, obviously, because of our very severe drought. We

have had a close call and I guess you could argue that we are not out of the woods yet, but the important thing is that we learn from what has happened to us as a result of the drought and we learn from the inappropriate or inefficient use of water from the Murray.

Our irrigators in South Australia in the main have been quite efficient and effective in their use of water, but I do not think you can necessarily say the same about many of the irrigators in New South Wales and Victoria. There is nothing to be gained by indulging in blaming other people and trying to whip Victorians or people in New South Wales in relation to their water use. Let us do what we can collectively with the commonwealth and the other states to try to make the best possible use of the water in the Murray in the most efficient, effective way, having regard to the needs of irrigators and having regard to the people who live in the towns along the Murray-Darling system as well as in Adelaide, and also try to do the best for environmental aspects.

It is not easy to balance those various aspects because it is clear that they conflict with each other at times, but one of the important things that needs to happen is that we need to ensure that everyone coming through our school system and in the wider community is aware not only of the significance of the Murray but of the importance of water generally. I have said before that I think we allowed a generation to get through the net, comforted by the fact that for years we have had a pipeline that takes water from the Murray and brings it to Adelaide and to some of our country towns. The security blanket that it provided in a sense has led us into a false sense of security, and we have allowed a generation of young South Australians and Australians generally to become complacent about water. I am a bit older than many in here but, as a kid, it was drummed into us not to waste a drop of water; it was seen as a terrible thing to do. But, as I say, I believe that we have conditioned many young Australians to think that there is an endless supply of water that you can use and, in effect, waste.

I hope that this bill will lead to a more effective management of the Murray-Darling system. I do not think it is fair to say—and, once again, it is a bit of the old blame game—that the states were all baddies when it came to managing the Murray-Darling, but I think it does make sense to have a more comprehensive management arrangement involving the commonwealth in a more specific way because, at the end of the day, it is the commonwealth that has the money to put into improving the management of the system.

Whilst this is not specifically part of the bill, I have argued that we are entitled to know who draws water out of the Murray. I do not believe that it should be any different from knowing who owns a particular property. In fact, you can dial up on your mobile phone to ascertain details of who owns property and the dimensions of that property. I find it strange—and I understand that this will be corrected with other legislation—that you will be able to know who owns the water licences and water entitlements, and I think that is fair and reasonable.

In conclusion, I support this bill. I hope that the Victorians will come to the party in a way which recognises that you cannot take out more from the river than the river contains, otherwise you will end up not only affecting those downstream, like us, but you will affect Victorians and people in New South Wales as well. I think that this is a good step towards sensible and appropriate management of the river. Certainly, we need to address issues like education, we need to ensure that the river is not polluted through inappropriate behaviour on the part of a small minority of the people with boats and so on, but I think that we should take the recent experience of the drought—which we have not completely moved out of as yet—as a warning to get our act together to make sure that we are not in a situation in the future where we have to compromise the incomes of irrigators, the lifestyle of people who live in towns and cities, or the environment. At the end of the day, the River Murray and the Murray-Darling system is more than just a flowing stream of water; it has a whole iconic value to the community, and it is a place of relaxation. It is more than just a system of flowing water, even though in recent times the flow has not been quite what we would have wanted. I commend this bill to members, and I look forward to its speedy passage.

The Hon. K.A. MAYWALD (Minister for the River Murray): I thank members for their contribution to this debate and for their support of this very important legislation. This bill is about ensuring that business can carry on as usual until the national plan can be negotiated between the states. I agree with all the speakers to date that the national plan is the way of the future over allocation of the river's waters and needs to be addressed as a matter of urgency, and it needs to be part of the planning and how we manage our river systems into the future to ensure we do not find ourselves in the same position the next time we experience an extreme drought event.

The Murray-Darling Basin has traditionally been operated on an annual basis; there needs to be a longer-term view to that, and I believe the national plan will deliver that. Meanwhile, this bill is about tidying up some bits and pieces in the existing Murray-Darling agreement and ensuring that we can operate effectively until the national plan can be negotiated and the appropriate legislation enacted.

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

[Sitting suspended from 12.25 to 2 p.m.]

ASSENT TO BILLS

Her Excellency the Governor, by message, assented to the following bills:

Climate Change and Greenhouse Emissions Reduction,

Commission of Inquiry (Children in State Care) (Children on APY Lands) Amendment,

Harbors and Navigation (Australian Builders Plate) Amendment.

PORT PIRIE REGIONAL HOSPITAL

A petition signed by 4 585 residents of South Australia requesting the house to urge the government to allocate sufficient funding and resources to enable the provision and ongoing operation of renal dialysis facilities at the Port Pirie Regional Hospital was presented by the Hon. R.G. Kerin.

Petition received.

EDUCATION FUNDING

A petition signed by 76 residents of South Australia requesting the house to urge the government to reject cuts to public school and preschool budgets and ensure funding of public education to enable each student to achieve their full potential was presented by Mr Hamilton-Smith.

Petition received.

VOLUNTARY EUTHANASIA

A petition signed by 599 residents of South Australia requesting the house to support the Voluntary Euthanasia Bill 2006 was presented by Dr McFetridge.

Petition received.

QUESTIONS

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

BABY DEATH

2. **Ms CHAPMAN:** Has the Minister now requested the Child Death and Serious Injury Review Committee to investigate the death of a baby at Victor Harbor, as he indicated he would do during Question Time on both 15 September 2004 and 23 November 2006?

The Hon. J.W. WEATHERILL: On both 15 September 2004 and 23 November 2006 I stated that in my view this would be an appropriate case for the Committee to review. I did not suggest that I would refer it on. In my view it would be inappropriate if I were to direct the committee which cases to review, and which cases not to review.

The Child Death and Serious Injury Review Committee is a professional body made up of a number of experts whose role is to review the circumstances and causes of death and serious injuries to children. It is the committee's role to make recommendations to the Government with the view to prevent such occurrences in the future. The Committee itself is best suited to decide which cases are reviewed.

I am advised that the Committee has focused on child deaths since January 1 2005 the date of its commencement.

HOMESTART

3. **Ms CHAPMAN:** Are HomeStart Breakthrough Loans available to country borrowers and if so, in which towns will they be made available and when?

The Hon. J.W. WEATHERILL: At present, the HomeStart Breakthrough Loan is not available to borrowers who purchase outside of the Adelaide metropolitan area.

This product is the first of its kind in Australia. As it involves the lender taking movement in property prices to cover traditional interest costs, there are inherent risks that need to be carefully assessed and managed. It is prudent for lenders to consider this before extending the quantum of risk lenders are prepared to take on.

The Government acknowledges that home affordability is also an issue in many regional centres and country towns and HomeStart is currently considering the inclusion of the Breakthrough Loan for some major regional centres.

SCHOOL DENTAL SERVICE

4. **Ms CHAPMAN:** Has the school dental van service in the Riverton and Eudunda areas been cancelled or suspended and if not, on what dates did the school dental van service each area in 2005-06 and 2006-07?

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

Since the sudden death of the local clinician who provided the mobile dental clinic, SADS has provided services to Eudunda and Riverton school students through dental clinics at Nuriootpa, Clare and Gawler.

To date, SADS has not been able to find a replacement dental therapist for the van service.

CREUTZFELDT-JAKOB DISEASE

6. **Ms CHAPMAN:** How did the farmer who died from the rare Creutzfeldt-Jakob disease contract the illness and was it health-care acquired?

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

The man was diagnosed with sporadic CJD, a rare disease that affects about 1 person in a million worldwide. It is caused by formation of an abnormal protein in the brain. Despite extensive research, no one yet knows why sporadic cases occur.

The Department of Health has reviewed his case and is unable to determine the cause.

However, due to his case history, it is certain that his CJD was not health-care acquired.

PAYROLL TAX

19. **Dr McFETRIDGE:**

1. What was the total loss of Government revenue when Payroll Tax was reduced in July 2001, July 2002 and July 2004, respectively?

2. How many South Australian businesses currently pay Payroll Tax?

3. What is the total number of employees currently employed by businesses required to pay Payroll Tax?

The Hon. K.O. FOLEY:

1. The estimated cost of payroll tax reforms at the time of announcement were as follows:

Effective implementation date	Revenue cost in a full year ($m)
1 July 2001	
- rate reduction from 6.0% to 5.75%	$24.5 (1)
1 July 2002	
- rate reduction from 5.75% to 5.67%	
- increase in the threshold from $456 000 to $504 000	
- broadening of the base to include the full grossed-up value of fringe benefits and 'eligible termination payments'	
- net cost	$0.0 (2)
1 July 2004	
- rate reduction from 5.67% to 5.50%	$22.1 (3)

(1) As published in the 2001-02 Budget Statement.

(2) As published in the 2001-02 and 2002-03 Budget Statements. In aggregate, the payroll tax reforms that took effect from 1 July 2002 were revenue neutral. The individual components of the policy change were not separately disclosed in Budget Papers. If the rate reduction from 5.75% to 5.67% had applied one year earlier (ie from 1 July 2001) the additional full year cost in that year would have been in the order of $16.5 million (ie in addition to the $24.5 million estimated cost of reducing the payroll tax rate from 6.0% to 5.75%).

(3) As published in the 2004-05 Budget papers.

2. Based on payroll tax information supplied by RevenueSA, approximately 6 500 grouped firms are liable for payroll tax.

3. It is not possible to determine the number of workers employed by firms liable for payroll tax from information supplied by registered taxpayers to RevenueSA. However, Treasury and Finance estimates that around 370 000 workers are employed by payroll tax paying firms.

INDUSTRY INNOVATION AND INVESTMENT FUND

20. **Dr McFETRIDGE:**

1. How much investment has the new Industry Innovation and Investment Fund attracted to South Australia in 2006 and 2007?

2. What types of investment and projects have been attracted and which industries do they target?

The Hon. K.O. FOLEY: I have been advised that applications for round one of the Innovation and Investment Fund for South Australia (IIFSA) closed on 9 January 2007. Thirty-five applications were received of which twenty-five passed the evaluation criteria and were assessed.

The IIFSA Committee, established to assess applications, has provided its recommendations on round one for consideration by the Federal Minister for Industry, Tourism and Resources, the Hon Ian Macfarlane MP, and myself.

The Federal Minister and I will announce jointly details of successful applications, including the value and purpose of the funding.

PUBLIC AND PRIVATE INVESTMENT

22. **Dr McFETRIDGE:** How much private and public sector investment has been invested to construct the Lake Bonney wind farm, Hallett wind farm, ElectraNet, Hallett peaking plant and the upgrade to the Torrens Island Quarantine Station peaking plant?

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

With regard to public sector investment, as you would be aware, the Liberal Government privatised the state's electricity assets. As a result, responsibility for investing in South Australia's electricity assets resides with the private companies that own the assets, so that there is generally no public funding provided for electricity infrastructure.

The following information is provided from public sources on the level of private investment in the identified projects.

Lake Bonney wind farms

Babcock and Brown has indicated that it invested $160 million in the Lake Bonney Stage 1 Wind Farm, which is currently in operation. It is currently constructing a second wind farm, known as Lake Bonney Stage 2, which the company has indicated, represents an investment of $400 million. Canunda Wind Farm, named after the traditional name for the Lake Bonney area, is owned by International Power and reportedly cost around $93 million to construct.

Hallett Peaking Plant

AGL invested around $150 million in the 180 MW Hallett Power Station. There is a proposal for a 250 MW expansion, for which firm costings are not yet publicly available.

Hallett Wind Farm

AGL has announced that is currently constructing the $236 million Brown Hill Wind Farm nearby the Hallett peaking plant. In addition, in May 2007, AGL announced that it had acquired the development rights for a wind farm at Hallett Hill, with construction to be complete in the second half of 2009. No information is currently publicly available regarding the costs of this project.

Electranet

Electranet is the principal transmission network service provider in South Australia. The company has more than $1.2 billion in total assets, and an annual revenue of more than $157 million. ElectraNet's regulated capital expenditure allowance for the regulatory period 2003 to 2008 is $358.3 million.

Quarantine Peaking Plant

In 2001, Origin Energy announced that it would invest $80 million in the construction of the Quarantine Power Station. Origin Energy recently announced an expansion of the current 95 MW gas fired facility to include an additional 120 MW generator. Origin Energy announced that the expansion would represent an investment of around $80 million.

TRAFFIC COUNTS

23. **Dr McFETRIDGE:**

1. How many traffic counts have been conducted on Anzac Highway at Kurralta Park (near the Centro Shopping Centre) since 1997 and on what dates did they occur?

2. What are the results of each of these traffic counts for traffic travelling in both directions?

3. What are the latest pedestrian count figures at this location, how many pedestrian accidents and deaths have occurred there and what have been the ages of those concerned?

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

1. The Department for Transport, Energy and Infrastructure (DTEI) records indicate that there have been five traffic counts conducted on Anzac Highway at Kurralta Park (near the Centro Shopping Centre) since 1997. The dates for the traffic counts are 30 July 1997, 1 June 1999, 10 April 2002, 12 May 2004 and 20 June 2006.

2. The table below shows the results of each of the traffic counts taken in both directions.

Survey Date	Location	Intersection Arm	Estimated Average Daily Two-way Traffic Volume (vpd)	Lane towards City (vpd)	Lane from City (vpd)
30 July 1997	Anzac Highway/Beckman Street/Gray Street	Anzac Highway (NE)	37600	19500	18100
1 June 1999	South Road/Anzac Highway	Anzac Highway (SW)	41000	20200	20800
10 April 2002	Anzac Highway/Beckman Street/Gray Street	Anzac Highway (NE)	38800	20500	18300
12 May 2004	South Road/Anzac Highway	Anzac Highway (SW)	40500	20200	20300
20 June 2006	South Road/Anzac Highway	Anzac Highway (SW)	38500	20200	18300

3. The latest pedestrian survey was undertaken on Tuesday 27 February 2007, between Grassmere Street and Warwick Avenue in front of the Centro Shopping Centre. The survey was undertaken between the hours of 8.00 am and 10.00 am, 12.30 pm and 1.30 pm, and 4.00 pm and 5.00 pm. A total of 152 pedestrians crossed Anzac Highway in both directions within the six hours of the survey.

Since 1997, there have been two crashes involving pedestrians on Anzac Highway between Grassmere Street and Warwick Avenue in front of Centro Shopping Centre:

- One fatality on the 8 October 1998, (81 year old male).
- One minor injury on 21 July 2001, (male age unknown).

BRANCHED BROOMRAPE

In reply to **Mr PEDERICK** (24 April).

The Hon J.D. HILL: The Minister for Environment and Conservation has been advised:

The Program's Farm Plan Scheme allows landholders to work with contracted agronomists from Rural Solutions SA to develop individual plans for their infested paddocks that will work to prevent branched broomrape from emerging each year. Landholders go through an annual cycle of developing and then implementing plans which nominate the specific strategies (including herbicide sprays)

that will be carried out on each paddock to prevent branched broomrape from emerging each year.

Due to the nature of the Farm Plan Scheme, plans are developed prior to work being undertaken and can be subject to variation depending on factors including seasonal conditions. In order to monitor the actual application of herbicides and consistent with normal industry practise, landowners are responsible for keeping their own spray records regarding the types of herbicides used.

To encourage this good practise, the Program is emphasising the need for adequate spray records, including the types of chemicals used, to be kept and produced as part of the annual audit process for the Farm Plan Scheme. Audits are carried out annually to determine what factors may need to be addressed prior to the next year's planning cycle and provide an indication of the types of herbicide chemicals that have actually been used by landholders to control branched broomrape in infested paddocks.

PAPERS TABLED

The following papers were laid on the table:

By the Speaker—

Pursuant to section 131 of the Local Government Act 1999 the following 2005-2006 annual reports of local councils:
- City Of Holdfast Bay
- City Of Port Lincoln
- District Council Of Mount Remarkable
- Kingston District Council

By the Premier (Hon. M.D. Rann)—

Public Sector Management Act—Report on the Appointments to the Minister's Personal Staff.

Regulations under the following Act—
- Public Sector Management—Long Service Leave

By the Minister for Economic Development (Hon. M.D. Rann)—

Port Adelaide Maritime Corporation 2006-07 Charter

By the Minister for the Arts (Hon. M.D. Rann)—

Regulations under the following Act—
- State Opera of South Australia—Elections

By the Deputy Premier (Hon. K.O. Foley)—

Death in Custody of Martin John Philip

By the Treasurer (Hon. K.O. Foley)—

Emergency Services Funding Act—
- Declaration of Levy and Area and Land Use Factors Notice 2007
- Declaration of Levy for Vehicles and Vessels Notice 2007

Regulations under the following Acts—
- Emergency Services Funding—Relevant Financial Year
- Public Finance and Audit—Refund of Small Amount
- Superannuation—Julia Farr Services Employees

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

Techport Australia Boundary Review Plan Amendment Report by the Minister

Regulations under the following Acts—
- Passenger Transport—Maximum Taxi Fares

By the Attorney-General (Hon. M.J. Atkinson)—

Summary Offences Act—
- Dangerous Area Declarations—1 January 2007 to 31 March 2007
- Road Block Establishment Authorisations—
  - 1 October 2006 to 31 December 2006
  - 1 January 2007 to 31 March 2007

Regulations under the following Acts—
- Juries—Remuneration
- Victims of Crime—Levy

Rules of Court—
- District Court—Adjudication on Costs
- Magistrates Court—Warrant Execution
- Supreme Court—Adjudication on Costs

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

National Health and Medical Research Council—
- National Statement on Ethical Conduct in Human Research
- Ethical Guidelines on the Use of Assisted Reproductive Technology in Clinical Practice and Research—June 2007

Regulations under the following Acts—
- Crown Lands—Fees Erratum
- Health and Community Services Complaints—Community Services
- Natural Resources Management—
  - Central Adelaide Prescribed Wells Area
  - Correction of Errors
  - Tagged Trading
  - Water Restrictions
- Optometry Practice—General

By the Minister for Industrial Relations (Hon. M.J. Wright)—

Regulations under the following Acts—
- Daylight Saving—Duration
- Workers Rehabilitation and Compensation—Claims and Registration

By the Minister for Housing (Hon. J.W. Weatherill)—

Regulations under the following Acts—
- Housing and Urban Development (Administrative Arrangements)—South Australian Aboriginal Housing Authority
- Housing Improvement—Standards
- South Australian Cooperative and Community Housing—
  - Electoral Procedures
  - Housing Associations
  - Investment Shares
  - General
- South Australian Housing Trust—Registration of Covenants

By the Minister for Agriculture, Food and Fisheries (Hon. R.J. McEwen)—

Regulations under the following Acts—
- Fisheries—Licence Fees
- Primary Produce (Food Safety Schemes)—Bivalve Molluscs

By the Minister for Water Security (Hon. K.A. Maywald)—

Regulations under the following Acts—
- Waterworks—Water Efficiency Plans

By the Minister for State/Local Government Relations (Hon. J.M. Rankine)—

Rules—
- Local Government—Rules—Superannuation SalaryLink Benefits Simpler Super

By the Minister for Consumer Affairs (Hon. J.M. Rankine)—

Regulations under the following Acts—
- Fair Trading—Health and Fitness Industry
- Liquor Licensing—
  - Coober Pedy
  - Port Pirie

By the Minister for Employment, Training and Further Education (Hon. P. Caica)—

Rules—
- Bookmakers Licensing (Event Probity Information).

PAYROLL TAX EXEMPTIONS FOR CHARITIES

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

Leave granted.

The Hon. K.O. FOLEY: The Rann government has an outstanding record as a tax-cutting government.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: In the last four budgets, the Rann government has committed to cutting nearly $2 billion of taxes by the time the cuts are fully implemented in 2010. Taxes such as land tax, stamp duty for first home buyers, mortgage duty and rental duty have all been cut, while debits tax, cheque and lease duty and minor stamp duties have been abolished. Rental and mortgage duty will be abolished from 1 July 2009, whilst stamp duty on transfers of business assets (other than land and buildings) and non-quoted marketable securities will be fully abolished by 1 July 2010. These measures deliver tax relief to hundreds of thousands of South Australians.

In the 2007-08 budget, the Rann government is delivering over $300 million in payroll tax relief to 6 700 businesses employing 370 000 South Australians. From 1 July this year, the government reduced payroll tax from 5.5 per cent to 5.25 per cent, and the rate will be further reduced to 5 per cent from 1 July 2008. This will make our payroll tax rate equal to Victoria's by 1 July 2008, and equal second lowest in the nation. The Rann government is also moving to make our payroll tax regime more in line with other jurisdictions. This will make it easier for national companies to meet their taxation obligations across jurisdictions.

New harmonisation reforms will bring our payroll taxation provisions in line with those in Victoria and New South Wales in areas such as the treatment of fringe benefits tax, motor vehicle and accommodation allowances, superannuation, ownership grouping provisions, work performed outside a jurisdiction and employee share acquisition schemes. These changes are expected to deliver a further $28 million in payroll tax relief over three years from 1 July 2008.

I can announce that, as part of these measures, we will be developing an exemption from payroll tax for charitable organisations in line with exemptions provided by Victoria and New South Wales. Currently, an exemption is provided in South Australia for public benevolent institutions. From 1 July 2008, a new exemption will be introduced for charitable organisations, delivering approximately $1 million of tax relief a year. I am advised that it is anticipated—it is important that I say that I am advised—that the measures will deliver relief to organisations such as: the Animal Welfare League; the RSPCA; the Royal Zoological Society; Greening Australia; Trees for Life; and the Australian Conservation Foundation, amongst others. The changes will be drafted and incorporated into a bill to be brought before parliament in time for the exemption to take effect from 1 July 2008. We look forward to bipartisan support from members opposite.

MURRAY RIVER

The Hon. K.A. MAYWALD (Minister for the River Murray): I seek leave to make a ministerial statement.

Leave granted.

The Hon. K.A. MAYWALD: I am pleased to update the house on the River Murray water resources outlook and advise members of the most recent government announcement in regard to the use of River Murray water as of 2 August 2007. I am able to report that rain across the Murray-Darling Basin system to the end of June 2007 and in the first 11 days of July 2007 has improved the amount of water in storages and allowed some additional water for allocation across South Australia, New South Wales and Victoria. This additional allocation volume will be shared, so that 105 gigalitres will be available for each of the three states and also 105 gigalitres for dilution and river recovery in South Australia.

Recent rainfall across the River Murray catchment in north-eastern Victoria has improved inflows, including inflows into the Hume and Dartmouth reservoirs and Lake Victoria. A total of 260 gigalitres flowed into the River Murray system during the first two weeks of July 2007, which is nearly double the inflow for the entire month of July last year. The total storage volume at the end of June is 14 per cent, compared to 41 per cent at the same time last year. However, the long-term average in storage for the end of June is 66 per cent—so we are still a long way from recovery. The Murray-Darling Basin catchment is now wet enough to produce reasonable inflows following rainfall events. However, we need a number of events in quick succession over the coming months to further boost storage levels and water availability. By the end of October 2007 we should have a good idea of the basin's storage position and outlook for the remainder of this water year.

The increased storage and inflows mean that licensed users of River Murray water in South Australia will see increases from 4 to 13 per cent from 2 August 2007, and the full 30 gigalitres set aside for carryover in South Australia for 2007-08 will now be available for taking and trading from 2 August. The capacity to trade carryover has been expanded to provide greater opportunity for it to be taken and used during 2007-08, particularly while allocation levels remain low. It should be noted that, under the water-sharing arrangements agreed by first ministers, not all future improvements in water resources will be available to South Australia for consumptive use; however, water for dilution and river recovery will be available to South Australia during this period.

Although storage and inflow conditions have marginally improved since March 2007, there has been a steady increase in salinity levels along the River Murray in South Australia as a result of large reductions to the daily entitlement flows. The normal minimum entitlement flow in July is 3 500 megalitres a day, and currently we are receiving only about 1 000 megalitres per day. River salinity has increased at Morgan and is slightly above the 20-year average of 520 ECs. The average salinity level in Lake Alexandrina has also risen significantly compared to the same time last year. Managing the River Murray under these low flows has serious implications for salinity levels and the environment.

Today I am also announcing a continuation of temporary restrictions on outdoor household watering, which will continue through August in order to help conserve water for summer. It is commonsense to turn off outside taps and sprinklers and allow winter rainfall to keep our gardens watered. Gardeners are encouraged to contact their local nursery or garden centre for advice on wise watering during this period. I have met with key members of the nursery and garden industries, and SA Water has been working with landscapers and lawn contractors, in particular, on ways in which to minimise impacts on their businesses. I appreciate their cooperation and assistance.

The government is actively working to ensure that South Australia's longer-term water security requirements are met. As part of this, the senior officials group, consisting of representatives from state and commonwealth governments, is considering the option of establishing by the end of

May 2008 a reserve of water to ensure that critical needs in all states can be met in the next water year should another extremely low inflow year be experienced this year. Such a reserve is likely to impact on flows to South Australia in 2007-08 as this reserved water will need to be held back in storage for this purpose.

VISITORS TO PARLIAMENT

The SPEAKER: I draw members' attention to the presence in the chamber today of students from Modbury High School (guests of the member for Florey) and volunteers from the Bay Discovery Centre (guests of the member for Morphett).

QUESTION TIME

MEMBERS' INTERESTS

Mr HAMILTON-SMITH (Leader of the Opposition): Why did the Premier tell the house (in reference to the Minister for Forests) on 5 July 2007 that he had 'already informed the Leader of the Opposition in the clearest terms, with crown law opinion, that he has, in fact, not breached the ministerial code of conduct' when the crown law advice contained absolutely no such advice or opinion?

The Hon. M.D. RANN (Premier): It is always good to be tipped off about the leader's questions. On 5 July 2007 I made a ministerial statement concerning claims that the Minister for Forests had breached the Members of Parliament (Register of Interests) Act 1983 by allegedly failing to declare electoral donations as gifts. I point out that compliance with the Members of Parliament (Register of Interests) Act is a requirement under the ministerial code of conduct, and in fact a copy of the minister's declaration under the act must be lodged in the cabinet register. In question time on 5 July 2007, in answer to a question from the Leader of the Opposition, I said:

> I have already informed the Leader of the Opposition in the clearest terms, with crown law opinion, that he has, in fact, not breached the ministerial code of conduct.

Since then the opposition has suggested, quite disingenuously, that my answer was misleading. It is clear from what was said in the ministerial statement to which I was referring that the opinion of the Deputy Crown Solicitor related to the obligations under the act in relation to the declaration of gifts. The opinion of the Deputy Crown Solicitor was tabled in its entirety.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: There can be no mistake about what it refers to. Similarly, there can be no mistake about what was meant in my reply, given my reference to the opinion. Leader, if you were confused, then I think you were the only person who was.

WORKCHOICES

Ms SIMMONS (Morialta): My question is to the Minister for Industrial Relations. What are the findings of the recent report compiled by the Centre for Work and Life at the University of South Australia entitled 'Not Fair, No Choice'?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): An independent report recently compiled by Professor Barbara Pocock and research fellow Dr Jude Elton of the University of South Australia entitled 'Not Fair, No Choice' details the impacts of WorkChoices on 20 South Australian workers. This report, which has been prepared for SafeWork SA and the Office for Women, highlights the disadvantages being inflicted on South Australian workers by WorkChoices. The report reveals that WorkChoices has created a climate where some employers feel licensed to act with complete disdain for workers and their workplace rights. The findings of this study contradict—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: —the Howard government's propaganda that WorkChoices creates workplace flexibility, certainty and greater productivity. The report finds that the WorkChoices legislation has led to greater unfairness in the workplace and resulted in employees having less say in identifying practices—

Mr Pisoni interjecting:

The SPEAKER: Order! I warn the member for Unley. The Minister for Industrial Relations.

The Hon. M.J. WRIGHT: —thank you, sir—or behaviours that might be unsafe. The report also found that:

- workers had a low level of knowledge about their rights under WorkChoices;
- workers are now uncertain about their minimum rates of pay; and
- workers have inadequate protection against unfair dismissal and unfair treatment from employers.

The report also makes a number of recommendations that aim to inject a level of fairness into WorkChoices, with some of these recommendations requiring decisive action by the Howard government. This report confirms that the Howard government, through its WorkChoices laws, is hurting South Australian workers and their families.

MEMBERS' INTERESTS

Mr HAMILTON-SMITH (Leader of the Opposition): My question, again, is to the Premier. Is not the crown law advice upon which the Premier has relied to suggest that the Minister for Forests is not obliged to declare gifts or donations on the Register of Interests of any amount from $750 to $1 million or more simply the advice of an in-house government lawyer which cannot be relied upon as independent?

The Hon. M.D. RANN (Premier): I find it extraordinary that the Leader of the Opposition would come in here today and question the Crown Solicitor of the state. That is the kind of derogation in public life that I think the people of this state are sick of. They are sick and tired of this kind of abuse that we are seeing increasingly from the Leader of the Opposition. Now he has decided to defame the state's chief law officer—apart from the Attorney-General, of course—

The Hon. M.J. Atkinson: The deputy.

The Hon. M.D. RANN: —the Deputy Crown Solicitor, the deputy chief of the crown law department, who is one of the most distinguished lawyers in the state. The Leader of the Opposition has chosen to come in here and question his character and his probity, and I find that extraordinary.

Mr HAMILTON-SMITH: As a supplementary question, given his response to my question, can the Premier explain why, when he was opposition leader, he told parliament on 26 November 1998 that legal advice from the government's own lawyers should not be used in matters to do with

misleading or conflict? With respect to crown lawyers, he said:

> He is not a judge who is independent. He is an in-house lawyer who does what he is told. He is the government's brief.

That is what you said.

The SPEAKER: Order!

Mr HAMILTON-SMITH: Now you have changed your mind.

The SPEAKER: Order! The Leader of the Opposition will contain himself. I should not have to scream to be heard over him.

Mr Hamilton-Smith interjecting:

The SPEAKER: Order! If the Leader of the Opposition tries to speak over me I will name him. I presume that the Leader of the Opposition was seeking leave to give an explanation because that was an explanation. The Premier.

The Hon. M.D. RANN: Mr Speaker—

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. M.D. RANN: Thank you, sir. Both the parliament and the public of this state deserve more than that kind of abuse and arrogance.

Members interjecting:

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

INTERNATIONAL SOLAR CITIES CONGRESS

Mr O'BRIEN (Napier): My question is directed to the Minister for Education and Children's Services. What is the government doing to include school students in the Solar Cities Congress which is to be held here in February 2008?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): The member for Napier will be pleased to hear that students from around the world have been invited to be involved in the international solar schools competition which will coincide with the 3rd International Solar Cities Congress which, as he mentioned, is being held in Adelaide in February next year. Students are being invited to enter a competition to design a city (or redevelop or redesign a city that already exists) or a neighbourhood, demonstrating how that neighbourhood or city could be changed to become a sustainable community.

This competition has received major sponsorship from around Australia (including Townsville City Council) which will be used to bring winning competitors from around the world to visit the congress next year. There has been sponsorship from local organisations as well, including from local businesswoman and eco-businesswoman, Deb Lavis, who is the managing director of the Ecotile Factory. She, as well as BP Solar, are involved in a range of prizes including solar panels for winning entries and other energy-saving devices for schools, as well as a master class conducted by filmmakers. Interest in this competition has already been extraordinarily large, with competitors entering from Germany, Wales, France, the USA, New Zealand and Australia. Recently, there has also been a major launch of a competition in Chennai in India which may well see involvement in hundreds of schools in India as well.

Adelaide's reputation as a solar city, together with our sustainable schools program, our water conservation program and our SA Solar Schools initiative, has allowed us to be an ideal capital for this sort of experience in terms of the conference and convention, and also the competition. I urge all members of the house to contact their local schools and suggest they log on to www.solarcitiescongress.com.au. February 2008 will be a very exciting time in Adelaide. It will showcase Adelaide and South Australia as leaders in sustainability, and it is important that schools be involved in this congress as well.

The Rann government's commitment to promoting green initiatives has been significant, not just in our schools through the installation of photovoltaic panels on schools and children's centres, but also in achieving our target within the state's strategic plan. We are on target now to get to 112 schools this year in our target of 250 by 2014. We have announced another round of sustainability grants to our schools, and we are aiming to have our schools cleaner and greener and to be showcases for next year's sustainability conference.

MEMBERS' INTERESTS

Mr HAMILTON-SMITH (Leader of the Opposition): My question is again to the Premier. Given that the Premier has told the house, in 1998 and on other occasions, that advice provided by government counsel is compromised, will he now agree to opposition and public demands for an independent judicial review into the matter of undisclosed financial gifts involving the Minister for Forests and whether the ministerial code of conduct has been breached?

The Hon. P.F. CONLON: Before the Premier starts, on a point of order, it is necessary to seek leave of the house before giving a lengthy explanation of a question, which is what—

Mr Hamilton-Smith interjecting:

The SPEAKER: Order!

The Hon. P.F. CONLON: Sorry, sir, when you say, 'Given this, that and that', you are explaining the question. I can assist the Leader of the Opposition later, but I just make the point that it is not in order.

The SPEAKER: Order! I do encourage members to avail themselves of the leave to explain a question rather than prefacing questions with an explanation. It is better form to ask the question and then seek leave. I uphold the Minister for Transport's point of order. It is my practice to be reasonable and to provide members asking questions with a reasonable amount of flexibility, but I do uphold the point of order.

The Hon. M.D. RANN (Premier): I am very pleased to have also been advised of this question. I previously advised the house that the Minister for Forests has given me his written assurance that, to the best of his knowledge, he has always fully complied with the strict ministerial code of conduct. I have also told the house that the minister has been assiduous in alerting other members of cabinet about potential conflicts of interest. I am advised that cabinet records note that the minister has on 10 occasions in cabinet declared a potential conflict of interest and absented himself from the discussions and decisions on the matter; indeed, he has left the cabinet room. These occasions are in addition to those where the minister has absented himself on policy grounds in accordance with his publicly disclosed agreement to join cabinet as an Independent member.

I am not aware of any occasions where the minister has not declared a potential conflict of interest in cabinet where the circumstances may have warranted such a declaration. If the opposition have any evidence or credible information about any conflicts of interest relating to the minister, they should make that information known immediately; indeed, they have a duty to do so.

SCIENTIFIC AND RESEARCH ACHIEVEMENTS

Mr RAU (Enfield): My question is to the Minister for Science and Information Economy. What recognition is the state government providing to highlight the achievements of South Australia's leading scientists and researchers?

The Hon. P. CAICA (Minister for Science and Information Economy): I thank the member for Enfield for his question, and I am pleased to reiterate to all members that the South Australian government remains a supporter of scientific research and innovation in this state. In fact, I can extend that to every member of the house, because this is an area that warrants and receives bipartisan support. We all recognise the important contribution that science makes towards building our economy, to sustaining our natural resources, and towards the creation of a healthier community.

The Premier's Science Excellence Awards, which first took place in 2005, have been a great success in growing the profile of our leading scientists and in recognising their outstanding achievements. To build on this success, the awards were relaunched this year with a new prize category and a new name: the South Australian Science Excellence Awards. A prestigious new category, the South Australian Scientist of the Year, will become the leading category for this year's awards.

An honourable member interjecting:

The Hon. P. CAICA: That is a nice name with a nice ring to it, yes. This leading category will offer $25 000 in money to the winning recipient, taking the total prize money for the South Australian Science Excellence Awards to $125 000 per year. Announcing the South Australian Scientist of the Year will focus attention on our state's top scientists, and will help inspire young South Australians to pursue scientific careers and add to our existing pool of brilliant scientists.

I am also pleased to announce that this year's finalists have been chosen and, in addition to South Australian Scientist of the Year, other prizes will be awarded in the categories of excellence in research for commercial outcomes; excellence in research for public good outcomes; science and education and communication excellence; and science, leadership and management excellence. All winners and finalists of these four categories will be recognised at a presentation dinner in August during National Science Week. South Australia's chief scientist, Emeritus Professor Max Brennan, headed up the judging panel this year, and I am advised the entries were of an exceptional standard. The South Australian Science Excellence Awards will help to establish scientific role models in much the same way as the media and sporting industries have done to such great effect.

As South Australians, we should all be proud of the outstanding work that South Australia's scientists and researchers are doing for our state, and the South Australian Science Excellence Awards are an excellent way of telling the rest of Australia, and indeed the world, that South Australia is a centre for world-class research.

MEMBERS' INTERESTS

Mr HAMILTON-SMITH (Leader of the Opposition): My question is to the Minister for Forests. Was every donation received by the minister paid into his re-election fund or was some paid in cash or in the form of personal cheques to him? Statements by the minister's wife in a published letter in *The Border Watch* on 18 July 2007 revealed that the minister's re-election campaign received, and I am quoting, $21 204.65 and that, of those contributions, $9 000 was from a multitude of small amounts ranging from $5 to $200. The article also stated that a further $5 000 was received from around 12 donors of $500. Curious maths, but that is what it said.

The Hon. R.J. McEWEN (Minister for Forests): It is an interesting question, because we have now established that, like all of us, I have to put gifts on the register but that donations are not gifts, so I am not responsible to put on the register moneys that I have received. I admit that the Leader of the Opposition is absolutely right. I received around $22 000 in a range of support, and I spent on my election campaign in that financial year, which is accurately reflected in my wife's letter, around $31 000. In my absence overseas she took that information from my tax return, because obviously I must disclose all these transactions to the tax department. We need to add to that another $6 000, because at the time I closed off those accounts I was in dispute with *The Border Watch*. It, in turn, took me to the small claims court and succeeded in its case and I was directed to pay a further $6 000.

So, the numbers are about right. I am disappointed that the leader would come into this house and reflect on my wife's mathematics, but that is the way he does business. This is an interesting question because, as I have put on the record where I stand, I would now like to pose a challenge to the Leader of the Opposition. Will he guarantee to the house that, equally, all his candidates and all elected members have followed the act—

Ms CHAPMAN: On a point of order, question time is for questions of the government. Question time is not in the purview of the minister to ask the opposition questions. We are not in government yet.

The SPEAKER: I do not think that the minister is debating the question that has been asked. I will listen to what he has to say, but I do warn him not to debate the question.

The Hon. R.J. McEWEN: What I am doing is pointing out respectfully to you, Mr Speaker, the abject hypocrisy of the opposition. The reason I am doing this is that I have now indicated to you that I chose in 1999 and 2002 to put my donations down as gifts. In 2006, after I had received advice, which has now been supported by Crown opinion, I chose not to. I indicated last time that then I was bullied into actually doing that and I have done it. The local Liberal candidate (Mr Gandolfi) said that he would also do that but then, when challenged by the press, said no, that the only things he would actually indicate to the local community were those he received directly, not those he received by his local branch.

What he told the public was that the Australian Electoral Commission would have that information, but I find that the Australian Electoral Commission does not have that information, so my challenge now to the Leader of the Opposition is: does he live by two sets of standards—one for me and one for his team? Perhaps now we could actually explain why on the surface of it it would seem that nowhere on these records between 1999—

Ms Chapman interjecting:

The Hon. R.J. McEWEN: I know you do not like the answer. I can well understand that. Nowhere between 1999 and 2006 do I find on this record information that donors have made public. It is interesting, Mr Speaker, that we tend to have two standards in this place—one for me, one for them.

Ms Chapman interjecting:

The Hon. R.J. McEWEN: You'd better answer that.

KANGAROO ISLAND COUNCIL

The Hon. S.W. KEY (Ashford): My question is to the Minister for State/Local Government Relations, and I ask it in light of the Natural Resources Committee's recent visit to Kangaroo Island. Will the minister advise how she is assisting the Kangaroo Island Council in light of the assessment of the Local Government Association's financial sustainability report?

The Hon. J.M. RANKINE (Minister for State/Local Government Relations): I thank the member for Ashford for her question and I am sure that, like me, she enjoyed her trip to Kangaroo Island. It is one of the most beautiful parts of our state. Members would be aware that in 2005 the Local Government Association of South Australia commissioned an independent inquiry into the financial sustainability of local government here in South Australia. It was the first local government association to conduct such an inquiry. The inquiry assessed Kangaroo Island Council, along with a number of other local councils, as being financially unsustainable. The Kangaroo Island Council wrote to me last year proposing a comprehensive study of services provided on the island with a view to achieving cost efficiencies and stimulating development through collaboration and partnerships. The council is clearly very keen and committed to doing the right thing by its community.

The state government has offered to provide funding to assist with the study, which focuses on resources currently available, including those of the council, and how those resources could be better utilised to achieve greater cost efficiencies. It is also intended that the study have a strong focus on existing governance structures on the island and to recommend—

Mr Pengilly interjecting:

The Hon. J.M. RANKINE: I have to say that the comments that have been made by the member for Finniss in the past have not been particularly helpful in this process but, nevertheless—

Members interjecting:

The Hon. J.M. RANKINE: It does not help to have a local member claiming that their council is falling apart at the seams. As I said—

An honourable member interjecting:

The Hon. J.M. RANKINE: He said it in this house—'the council is falling apart at the seams'. It is also intended that the study will have, as I said, a strong focus on existing governance structures on the island and to recognise—

Mr Pengilly: You set the limits on the councils and then criticise them. Come on, Jenny. You can't have it both ways.

The SPEAKER: Order!

The Hon. J.M. RANKINE: One would also expect that someone with a background in local government would have a bit better understanding of how they operate and not be quite so critical of their local council and be more prepared to help support it.

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The Hon. J.M. RANKINE: Thank you. You do that. You give him a bit of instruction. You need to listen to the member for Goyder perhaps. It also plans to recommend improvements or changes appropriate for better service and infrastructure provision. The project will commence on 1 August, and it was recently endorsed by the council. I understand that meetings have already commenced with representatives from state and federal government agencies involved in providing services on the island. The inquiry will also include researching the services and resources on islands similar in nature—such island communities as Rottnest Island and Fraser Island—and comparing those to arrangements in place on Kangaroo Island. The study will be significant, not least because of the unique nature of the island, the large number of visitors and residents who use government services, and the island's overall importance to the South Australian economy. The study will extend to services provided on Kangaroo Island by all three spheres of government, and it is scheduled for completion by the end of this year.

MEMBERS' INTERESTS

Mr HAMILTON-SMITH (Leader of the Opposition): My question is again to the Minister for Forests. Apart from Auspine, Hickinbotham Homes, Gebhardts Real Estate, Van Shake Biogro and the Whitehead group of companies, what other gifts or financial donations have been made to the minister of $500 or more, and by whom were the donations made?

The Hon. R.J. McEWEN (Minister for Forests): There is a very good reason, Mr Speaker, why I have no intention of answering that question. He has now lowered the bar further. We already know that I do not have to disclose donations as gifts. We know then that the advice was over $750. We know that they have another rule, because under the Australian Electoral Commission the bar for them is $1 500, which it seems on the surface that they are not honouring anyway, but I think that is something for them to explain later. Why they would now want to lower the bar again, I do not know. I declare gifts; I understand the process of gifts. I also understand that donations for the specific purpose of running election campaigns are not gifts, and, although I voluntarily put that on the register in 1997 and 2002, I did not need to.

WATER USE

The Hon. R.B. SUCH (Fisher): My question is for the Minister for Water Security. What is the government doing to curb excessive use of water by a small number of South Australian households? On 21 July *The Advertiser* reported that 200 households were using close to 5 500 litres of water per day, which is approximately eight times the normal domestic daily usage.

The Hon. K.A. MAYWALD (Minister for Water Security): I thank the member for Fisher for his question; I know that he has a keen interest in water issues. The government is acutely aware of the need to ensure that all members of the community play their part in conserving water. For several years SA Water has been working with its industrial water customers to help them audit their water use and identify ways of saving water in their business. A similar approach will now be applied to the biggest residential water customers. SA Water will work with its largest residential customers to help them identify water saving and efficiency measures and to minimise any water leakage or wastage that might be occurring.

SA Water officers will be available to assist customers to audit their water use, or, if the customer prefers, they will be referred to Ecosmart trained plumbers or supported to complete their own self audit. This initiative is in addition to

the other education measures SA Water has in place to help residential customers save water. For example, SA Water will continue to contact customers, alerting them to any sudden large increases in their water consumption. Customers will also continue to be assisted with waterwise information, such as that which is available from SA Water's website. It is also consistent with the approach of educating the community about efficient water use rather than relying on heavy-handed regulatory regimes.

This policy has been successful as community support for water conservation has been exemplary. Adelaide residents are to be congratulated for reducing water use by 21 per cent this year compared with the same period during the 2002-03 drought. The latest initiative, which I have just mentioned, will assist SA Water's biggest residential customers to ensure that they are playing their part. The government is also reviewing our water pricing structures as part of the long-term planning for water security.

MEMBERS' INTERESTS

Mr HAMILTON-SMITH (Leader of the Opposition): Will the Minister for Forests describe which McEwen family trust assets were sold to Auspine? What was the financial consideration of the transaction, and when was the sale?

The Hon. R.J. McEWEN (Minister for Forests): If I may, Mr Speaker, with your indulgence, I will take a few minutes on this question, because I think that the house deserves a full explanation. My father, back in 1969, as part of the vision for his family, encouraged us as kids to plant pine trees on land that was not particularly productive, land that was deep, sandy country upon which only bracken grew. He took advice from Mr Fred Pfeiffer, whom the member for MacKillop would know well; he lived just over the hill from him. As kids we planted pine trees. My father then put all the pine trees in trust for my mother and the then 10 children. As trustee I was responsible on behalf of my mother and the other then nine living children to manage those pine trees.

My brother Patrick took responsibility for the day-to-day management of the trees. He lived close by. It happened, at one stage after the property had been sold and we retained the lease over that area, that my brother was also the owner of the land. Obviously, there was a time when those trees would need to be sold and my brother looked around to see who would make the best offer. I may make two other points: the trust is now closed and an original contract I had to supervise them with the old woods and forests department does not exist either. However, that could just be pre-empting another question.

What happened was that on 7 August 1997 (before I was even elected) Auspine Limited wrote to Pat McEwen, of Biscuit Flat, South Australia, saying:

> Dear Pat,
>
> I would like to express our company's interest in purchasing recovered volume from a clear-felling operation in your plantations at Biscuit Flat [Settlers Road, Biscuit Flat]. We would like to make the following offers for products recovered:
>
> | | |
> |---|---|
> | Sawlog | $35 per cubic metre |
> | Chiplog | $7 per cubic metre |
> | Breaklog | $10 per cubic metre |
>
> Payment for chiplog/breaklog would be based on weight delivered to mill door at a 1:1 (weight:volume) ratio. Sawlog delivered to Tarpeena would be on a scanned volume delivered to the mill door.
>
> Auspine would be responsible for organising, supervising and maintaining the operation at no cost to you. We estimate a recovered volume of approximately 163 cubic metres per hectare for the operation. Multiplying this figure by the area available of [a staggering] 14 hectares gives a total yield of 2 283 cubic metres with the following estimated product breakdown:
>
> | | | |
> |---|---|---|
> | Sawlog | 84 per cent | 1 917 cubic metres |
> | Chiplog | 16 per cent | 363 cubic metres |
>
> It should be stressed that these volumes are estimates only, and variations will undoubtedly occur. If our offer is accepted [and it was, because my brother considered it to be the best offer], it is anticipated that the operation would take place as soon as a contractor is in the area.

I could deal with a number of other similar bits of correspondence, but the point I am making is simply that Adrian O'Donnell is a very professional person within Auspine who knows his job well (as do a number of other mills in the South-East) and, knowing the private woodlots, knows that to gain them they need to be competitive. Either that, or my brother has actually doubled the family trust by doing a deal on the side with Auspine—if that is where you are leading in terms of some conflict of interest he might have with Auspine at the expense of my family, and I cannot see that happening.

Adrian O'Donnell was Technical Assistant/Private Woodlots. This is a private woodlot, and that is how it has worked. I believe my brother was impressed with the way that Auspine dealt with that, and I would not say to the house that, on our behalf, he got a quote every time he was clear-felling or every time he was thinning; I think on some occasions he would have simply gone to Adrian O'Donnell and said, 'Would you come back? It's time to do more thinning.' Certainly, he would have done that on the basis that Auspine offered him the best price.

My job (in terms of the trust) was to receive the moneys and distribute them to what were originally 13 shareholders of the trust. My brother Patrick, because he lived close by and did most of the work, had three shares in the trust and, as I indicated, my mother had one share. The nine remaining children had one share each. At the death of my youngest brother his share was simply absorbed by the trust, and from that point on there were nine children who had a share—eight with one share, my mother had one share, and my brother Patrick had three shares.

I think this is a fantastic little story in terms of my father. Living in humble circumstances with a large number of children, he had a vision for those children in terms of maximising the resources available to him—and I can tell the house that planting pine trees is a pretty smart thing to do, if you want to wait for the return. Although this is now closed, it has been a happy little time for all of us, and we have enormous respect for our father having that vision in 1969.

Honourable members: Hear, hear!

HOMELESSNESS

Ms THOMPSON (Reynell): My question is to the Minister for Housing. What services has the government put in place to assist people to break the cycle of homelessness and move into stable accommodation?

The Hon. J.W. WEATHERILL (Minister for Housing): I thank the honourable member for her question. There are a number of agencies that work very hard in collaboration with each other to tackle the difficult issue of homelessness in our community. However, a common theme that we hear from agencies working to return people to stable accommodation relates to unresolved legal and financial issues, which are leading causes of homelessness.

In 2006 the state government funded an innovative service aimed at tackling these very issues, Housing Legal Clinics. I am pleased to say that this service has been spectacularly

successful. It draws on the goodwill of the legal community and, with a little assistance from us, it is run through volunteers. A lot of lawyers give up their spare time and advocate on behalf of homeless people within our community. I want to pay tribute to a range of important partnerships which have emerged. It has been auspiced by the Welfare Rights Centre and a number of legal organisations have participated, but the clinics have been provided at Magdalene Centre and Byron Place Community Centre and, more recently, expanded to include Hutt Street Centre and Catherine House. There are some fantastic stories from the homeless people themselves who say that whenever they tried to resolve some of their own legal or financial issues people would not listen to them but, when they got a lawyer on the line acting on their behalf, suddenly people started to sit up and take notice. It is an interesting example of the power people felt when they had the ability to be represented by a lawyer.

The clinic has seen about 250 clients since its inception, and the problems that have been dealt with have been many and various, but they all have been directed at either removing people from homelessness or preventing them from falling into homelessness. Recently, I announced an additional $75 000 for this service to continue its development and to allow it to strengthen partnerships with the community and local private sector legal firms. I pay tribute to the individual lawyers involved who are volunteering their time. It has not only assisted their professional development but also been an important learning process for them as a result of their getting in touch with some of the most marginalised people in our community and using their legal skills to help them.

SALVATION ARMY

Mr HAMILTON-SMITH (Leader of the Opposition): Will the Premier apologise publicly to members of the Salvation Army for accusing them of lying?

The Hon. M.D. RANN (Premier): I think I have made it very clear—in fact, patently clear—that I have enormous admiration for the Salvation Army. However, one thing I could not countenance was the fact that information, which had been given, apparently, to the Salvation Army by someone unknown, was clearly incorrect. Therefore, it was incumbent upon me to correct the untruth (which was given to the Salvation Army) that somehow the money had been diverted inappropriately to the proposed Marjorie Jackson-Nelson hospital. That was untrue. If the person conveying this information to the Salvation Army had made this claim, then obviously they were deliberately misleading in so doing.

YOUNG MEDIA AUSTRALIA

Mr KENYON (Newland): Will the Attorney-General inform the house whether the South Australian government will be continuing its sponsorship of the highly successful Young Media Australia's Know Before You Go program?

The Hon. M.J. ATKINSON (Attorney-General): I thank the member for Newland for the question.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: I can be more detailed than that. I acknowledge the honourable member's support for the welfare of South Australian children through his advocacy of Young Media Australia. Young Media Australia is a national not-for-profit organisation that works to promote a quality media environment for children and raise awareness about children's media-related needs. Members will recall that I informed the house last year about the continued excellent work of Young Media Australia in supplementing Australia's classification system with much more detailed information about children's likely reactions to films at different ages and maturity levels.

I also expressed sadness at the Howard federal Liberal government's abrogation of its responsibilities to Australia's children with its refusal to continue sponsorship of Young Media Australia's Know Before You Go program. Indeed, it seems that, under the Howard Liberal government, there has just been a continuing contemptuousness towards Australia's classification laws both in film and television. Since 2002 the Howard government has refused 15 requests from Young Media Australia for funding. I am pleased to advise the house that, during the past year, Young Media Australia has put its sponsorship money from the Rann Labor government to good use by reviewing 85 films. Of these, 17 were classified G; 47, PG; 19, M; and two, MA. Of the 17 films classified G, Young Media Australia's reviewers found it necessary to caution parents about allowing children under the age of eight to view the films.

It is all very well to have this classification system which, under the Liberal government, is honoured in the breach rather than the observance, but even if the classification system were properly applied still parents need to know more information because even G rated films can be unsuitable for some young children.

An honourable member: G rated?

The Hon. M.J. ATKINSON: Yes, even G rated. I am advised by Young Media Australia that, in many cases, this was owing to frightening content that could have harmed very young children. Young Media Australia's reviews show that there are hazards for children under the age of eight in both G and PG films. Just recently I attended *Harry Potter and The Order of the Phoenix*, and even material in that film, I think, could have frightened children under the age of eight, particularly the special effects. Now, I have read the ending—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: All I can say is that there is some snogging in it! I am pleased to advise members that, during the past year, Young Media Australia has distributed thousands of copies of the *Know Before You Go* brochure throughout South Australia. Although it is sad that the Howard federal Liberal government continues to ignore the funding plight of Young Media Australia, even during an election year, I congratulate Young Media Australia on its sterling years of service to Australia's children.

SALVATION ARMY

Ms CHAPMAN (Deputy Leader of the Opposition): Has the Minister for Families and Communities visited the Salvation Army's Warrondi facility since he opened it in 2003 to see first-hand how the program was working prior to his decision to cut the funding?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I notice how the preface changed. The first was, 'he has never visited', until I had to inform members opposite that I actually opened the facility celebrating the $850 000 cheque that went to upgrade the facility.

An honourable member interjecting:

The Hon. J.W. WEATHERILL: That is right. This was an initiative of the previous government, and let us take our mind back to what happened around that time. We had, I

think, very unfortunate rhetoric around moving Aboriginal people on from some of our city squares. In the heat of an election, quite a bit of fun was had by members opposite in 2001. I remember that there was an outcry about services. People said, 'Well, what services will you give to these vulnerable people you are moving on?'

One solution the then government came up with was the Salvation Army service. That was going to be the big solution. It ran into immediate trouble because it did not do the right thing by the residents. It did not consult. We had court proceedings, which were settled, and, finally, we had the facility up and running in 2003. Unfortunately, really from very early days, it became clear that the facility was not delivering on the set of arrangements that were entered into by the previous government. Of course, the facility was there to deal with the inner city vulnerable population. That was the whole point. The lion's share of them was Aboriginal: that was the contentious issue at the time. But what became obvious when the facility was up and running was that it was not meeting the needs that both the previous government and this government had set for it. I will take members through this, because it is not a case of grey: it is a case of black and white. It is a very clear case.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: Well, the answer to the question lies in the fact that we had been regularly receiving reports about this facility throughout the whole period, and I will give members the important observation. Warrondi cherry-picked clients perhaps in order to have successful outcomes but did not deal with hard clients. The phrase 'it's too hard to get in' was the unanimous refrain in response from referral agencies. Members have to remember what we are doing in inner city homelessness now. We now have an unprecedented level of cooperation between the various inner city agencies. If it is one thing that lies at the heart of David Cappo's response, it is joined-up approaches. You cannot have joined-up approaches if one service decides it wants to be an island and does not want to cooperate with the other services. Rather than taking my word for it, we actually asked the—

Ms Chapman: Why don't you go and visit them?

The Hon. J.W. WEATHERILL: We did better than that. We asked them to come and see us and we put our propositions to them. We said, 'Come and see us, because we have these concerns.' They came, and they presented to the interministerial committee that I chair on homelessness, and we heard their point of view. They then said, 'Well, let's have it evaluated?' So, rather than my going there and sticking my nose in and working out what I think, we got the University of South Australia, an independent body, to review the organisation. So we sent in people to look at the facility, and they reached their own independent point of view. I am no expert in relation to these homelessness services: I would not know what I was looking at even if I did attend. We got in experts to carry out an independent evaluation. It came back, and the report, in a number of ways, was that it was completely unsatisfactory.

I will mention some of the points. During the 2005 calendar year, seven indigenous clients received a service. During the 2005 calendar year, 325 service requests were received: less than three in 10 received a service. During the 18 month evaluation period, over half the available places in the program were vacant. The report identified numerous flaws in the referral models, including lack of interaction with local service agencies, and a lack of response to clients from the inner city. So clients were being taken from all over the place but not from the inner city, the very purpose of the facility.

When we asked the Salvation Army to consider changing the model they said, 'No, it is our model, and we like the way it works. We are not prepared to change it.' So, then what did we do? We did not just cut the funding. We gave them 12 months to work with us to find a new result, a new way of using this facility. During that 12 month period we worked with them. I must say that you could have knocked me over with a feather when we heard them bob up on the news to say that 3 July was the first they had heard of it. We have been in constant dialogue with them since 2004. On 3 July, three times, when the journalists put it to them clearly, 'When was the first you heard about this decision to remove funding?', they said, '3 July.' Yet they had signed a service agreement to work with us for 12 months to bring this funding to an end.

It has been an unfortunate issue. We certainly did not want to have a public disagreement with the Salvation Army. Indeed, since this government came into office, we have more than doubled the funding that we provide to the Salvation Army in a range of services. They provide an excellent support service through Muggies for our kids in care, and they provide a number of other supported accommodation services. We have nothing against the Salvos. In fact, I would ask what those opposite had against the Salvos, because they put in a couple of million and we put in $5 million.

We are strong supporters of the Salvos, and that is because they do a good job. But this service was not meeting a need and, if those opposite doubt the relationship with the Salvation Army, they only need to go to the very comments made on radio by a senior official in the Salvation Army who described their relationship with the South Australian government as a very good relationship, and it is. There have been some difficulties here; we were as surprised as anyone to hear the public comments, and we tried to correct them. We are sorry if they have caused offence, but we cannot allow material on the public record to be inaccurate.

GUARDIAN FOR CHILDREN AND YOUNG PEOPLE

Mrs GERAGHTY (Torrens): My question is to the Minister for Families and Communities. What is the function of the Office of the Guardian for Children and Young People, and what investigative roles has it undertaken since it commenced operation in September 2004?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for her question. This important new institution arose out of the Layton review, which was commissioned by the former Minister for Social Justice—the member for Ashford—and I think it has been one of the most important and successful achievements in the Keeping Them Safe reform agenda. The Guardian for Children and Young People was implemented in 2004 as an independent officer to advocate on behalf of these now 1700 or so children who are in our care. The guardian has worked with children in care on a charter of rights, and has played an important role in ensuring that the voices of children are heard in matters concerning their care and protection. The guardian also works closely with Create Foundation, foster parents, and with the department to ensure, in a range of ways, that the interests of young people in our care are being met.

Since September 2004, the guardian has made representations on behalf of 175 children under guardianship on a range of issues. Sometimes these issues can be relatively straightforward relating to the education or the health needs of a particular child; in other cases they can be quite complex, relating to transition planning or acting with a child in relation to family contact or reunification. The guardian makes these representations at all levels; most frequently locally, but often to Families SA executive or to myself. The Office of the Guardian for Children and Young People ensures an unprecedented level of scrutiny and accountability in relation to the wellbeing of children under the guardianship of the minister.

We have dramatically increased resources in relation to this part of government: $103.9 million over four years announced in the previous budget. That is the largest funding injection to this group of young people in the history of the state, and it is our obligation: we have to act in relation to these children as if they are our own, and they are in our care because their parents are either unable or unwilling to care for them. The office of the guardian is playing a critical role in ensuring that the interests of those children are at the forefront of our thinking.

NATIONAL ADVOCACY CONFERENCE

Mrs REDMOND (Heysen): My question is to the Minister for Disability, seeing that he will not be here for the next couple of days. What response does the minister intend to make to the National Advocacy Conference which met in Melbourne last week, at which 300 delegates unanimously passed the following resolution:

The National Advocacy Conference (16-17 July 2007) strongly condemns the Rann government in South Australia for the state budget decision to remove funding for disability and information and advocacy services, thus increasing the vulnerability and disadvantage of people with disability and those who support them.

The Hon. J.W. WEATHERILL (Minister for Disability): There were a few other resolutions passed by that conference, one of which was calling on the federal government to actually respond to the states and territories in relation to—

Members interjecting:

The Hon. J.W. WEATHERILL: Well, it is directly related. It is all about money; it is all about how much money you have to spend on services. What that same body called on—

Members interjecting:

The SPEAKER: Order! The minister has the call.

The Hon. J.W. WEATHERILL: That same body called for the federal minister, Mr Brough—and we hope he turns up to this ministerial council meeting tomorrow in Sydney—to actually agree to the offer of the states and territories to incorporate for the first time within the commonwealth/state arrangements a decent level of indexation so that we do not have the perpetual erosion of our agreement. We receive some piddling amount of indexation—something like 1.09 per cent.

Members interjecting:

The Hon. J.W. WEATHERILL: We did in the last budget: you should have been paying attention. We did actually increase our indexation—

Members interjecting:

The SPEAKER: Order! I apologise to the minister, but the house must come to order. The minister has the call.

The Hon. J.W. WEATHERILL: We asked them to provide a decent level of indexation so that this five-year agreement is not eroded through the cost of living increases. They offered 1.9 per cent—

Mrs REDMOND: On a point of order, my question was clearly about a specific resolution of the conference and, whilst I accept that the minister is trying to argue that these things are related because they were at the same conference, a different resolution is not the subject of the question that I asked.

The SPEAKER: There is no point of order. The minister is answering the substance of the question and is not debating.

The Hon. J.W. WEATHERILL: I just explained that the whole point about the cuts was so that we could have more money for services. That is exactly what we are doing, what they called for in the other part of their resolutions. What they were saying is that, not only should there be a decent level of indexation but there should be money for growth, something of the order of 3 per cent indexation and 2.2 per cent per annum just to deal with population growth. That is what the states and territories have put to the commonwealth by way of offer. However, the commonwealth has come out with much fanfare and announced a $1.9 billion offer to the states and territories and, when you look at it closely, what is that? It is an offer almost half of which is comprised of money that goes to Centrelink recipients—people who are carers getting a certain number of one-off payments and other payments through the Centrelink system, and nothing at all to do with disability services.

Once again, they come up with this number that grabs a headline for a day but, when the disability groups drilled down into it, they worked out that it was another mean and tricky offer by the Howard government. It was just another headline to distract attention from the way in which they have been handling disability services. I will be off to Sydney today for tomorrow's meeting and we will be raising this issue again with the commonwealth. The only reason that we have had to make the difficult decisions in relation to finding funding from those other programs which, in our view, are of lower priority, is that we needed to put every cent we could into disability services, into front line services.

I know that the honourable member runs around peddling this untruth that somehow all the money is going into the bureaucracy and not into front line services. Nothing could be further from the truth in disability services. Almost 50 per cent of the funding that is actually spent in disability services goes to the non-government sector.

PREMIER, RADIO CONFRONTATION

Ms CHAPMAN (Deputy Leader of the Opposition): My question is to the Premier. I will read it slowly to give him time to get to his seat. Was the Premier involved in an abusive confrontation with FIVEaa presenters Keith Conlon and Tony Pilkington after an interview with the Premier on 10 July 2007 and, if so, what was the Premier's involvement in that matter?

The Hon. K.O. FOLEY (Deputy Premier): In terms of the aside by the deputy leader that the Premier is not here, the Premier is just taking a telephone call from the Prime Minister. I would have thought that had a priority. I take it that, should the Prime Minister call the Premier, he takes the call. That is a common courtesy, and I will take the question on notice.

SALVATION ARMY

Ms CHAPMAN (Deputy Leader of the Opposition): I have a further question to the Premier. What has the Premier done to the public servant whose name he demanded on live radio when the Salvation Army spokesperson Paul Colson told him that a staffer from the Families and Communities Department blew the whistle on the impact of the new hospital on funding for the Salvation Army?

The Hon. K.O. FOLEY (Deputy Premier): I will take that question on notice, but I say to the opposition: can they not get questions elsewhere than from the media? That seems to be their only source.

GRIEVANCE DEBATE

FERAL DEER

Mr PENGILLY (Finniss): Around our state of South Australia there are various introduced pests and species such as foxes, rabbits, etc., but I would like to refer the house today to the problem with feral deer on Fleurieu Peninsula and across my electorate, including Kangaroo Island. Feral deer are very active on the southern Fleurieu. Farmers in that area have expressed major concern to me about the impact these deer are having on native vegetation and also the fact that they may or may not have Johne's disease. Whether they do have Johne's disease is out with the keeper at the moment. For the uninitiated, this is quite a severe disease in the animal world, and it is concerning cattle and sheep producers on the southern Fleurieu Peninsula.

A landholder whose property adjoins the Second Valley Forest believes that there are about 250 feral deer active in that forest that are coming out into farming country at the moment. There are large national parks in that region, as members would be aware, including one right on the south coast of the Fleurieu adjoining Balquidder which consists of many thousands of hectares, but the reality is that there could be any number of feral deer in that national park. Feral deer wipe native vegetation off the face of the earth. They destroy it, knock it over and eat it, and they do intense damage to it. One of the things that is worrying me is that, while my good friends in the native vegetation authority are running around pursuing farmers on this, that and everything else, they do not seem to be doing too much about the damage that feral introduced species (in this case, deer) are doing to the native vegetation, but that is another story.

I urge the government, through the ministers for the environment and primary industries, to get active on this issue and attempt to do something about it. It seems to me to be beyond the resources that are currently available to the authorities. I know that the natural resources management board for the Hills and Fleurieu will be paying some attention to this matter, and I hope it can redouble its efforts and actually start doing something serious about it. The Kangaroo Island Natural Resources Management Board has employed professional shooters who have set about destroying the deer. Unfortunately, one of these shooters, my good friend Mr Nick Markopolous, got shot by one of the other shooters just recently, so that was a bit of a blow. He is making a recovery and, in due course, he might be able to use his right arm again.

More seriously, the issue of these feral deer in South Australia—particularly, in my electorate of Finniss—is causing a great deal of angst amongst the locals whether they be townspeople, farming people or landholders who happen to reside in rural areas. I think we need to take this problem seriously. I would like to speak with any of my colleagues who also have this problem so that we can jointly prepare some sort of a plan. Unfortunately, we cannot afford to continue putting money into reports on these things; we have to do something about it. I thoroughly endorse what the Natural Resources Management Board on Kangaroo Island is doing in terms of deer and other feral animals. However, as I said, I urge the government through the ministers I mentioned to take note of my comments, if possible, and put in train a plan to do something about feral deer before the numbers increase to the extent where—

Mr Pederick interjecting:

Mr PENGILLY: They have got them in the Mallee; there you go. Something must be done before they seriously damage these forest areas. The Second Valley Forest is pine trees, but these animals must have water and that is a good way to get them. They are like pigs—they all have to have water. Koalas are the only animals that do not need water, and they are not hard to get rid of any way. The reality is that the deer along the north coast and on the western end of Kangaroo Island and the southern Fleurieu are causing a good deal of problems. I ask members on the other side of the chamber to pick up on my comments and encourage their ministers to do something about it.

GRIGG, Mr R.

The Hon. L. STEVENS (Little Para): Recently, I was invited to attend a farewell dinner for Ray Grigg, the former chair of the Central Northern Adelaide Health Service. The occasion was a celebration of the considerable achievements of the service under Ray's leadership and an opportunity to thank him for his outstanding commitment to health service delivery improvement. As minister for health at the time of the formation of the Central Northern Adelaide Health Service, I put a great deal of thought into the appointments to the three new metropolitan health boards. In particular, the chairs of those boards needed to be very well-connected and well-qualified in order not only to lead the new services but also to raise the profile of health as the biggest business in the state requiring reform and reinvigoration.

In discussing potential chairs with the Premier, he raised the name of Ray Grigg, who was then recently retired from a 47 year career as a highly successful international corporate executive for General Motors Holden. I had known Ray Grigg in his time at GMH Elizabeth and also as a fanatical Central District Football Club fan, so fanatical, in fact, that he came back from overseas twice in order to watch Centrals compete in the finals. At the time, when I had the discussion with the Premier, I was not aware that Ray was back in Adelaide, but I did not hesitate to take the opportunity to enlist the services of such a well-qualified person. Ray agreed to take on the job, and tackled it with characteristic enthusiasm, commitment and hard work.

At the dinner, Dr Kaye Roberts-Thompson, the current acting chair of the board, elaborated on Ray's achievements, and I would like to refer to what she said. She explained that, when there was some initial difficulty in appointing a chief

executive officer to the new region, Ray acted as CEO for a few months until the new CEO was appointed. That was certainly good experience for him in learning the business. In the role of a chair, Ray had been focused on implementing the Generational Health Review. Dr Roberts-Thompson said that he had been a leader and a focal point of the region helping establish some regional identity—not an easy task given the disparate and competitive groups brought together.

Ray had been visible and well-known within the region, so governance was not by faceless people. I can certainly reiterate that point, because I know that the Central Northern Adelaide Health Service held board meetings and other gatherings at all work sites which Ray, as board chair, attended on numerous occasions. They included activities, openings and functions in relation to the health service where he talked with people, listened and was always encouraging. In particular, I recall one morning at Kaurna Plains School on a rainy day at a reconciliation event where Ray and Bev Grigg were mixing with people, mixing with the children, listening and talking to them, and that was characteristic of Ray's approach to the job. He certainly was not a faceless chair.

Ray was always a strong advocate for the Central Northern Adelaide Health Services and its direction, and supportive of the regional management team and staff. Finally, Dr Roberts-Thompson said:

> If I were to describe Ray, the following characteristics come to mind: courage, integrity, hard work, good communicator, inclusive, focused, learner, advocate and friend.

I endorse those comments absolutely and thank Ray Grigg for a job well done. His influence and input, although cut short, have been significant in conducting health business better.

DISABILITY SERVICES

Mrs REDMOND (Heysen): I rise today to address the issue about which I tried to ask the minister in my last question—the National Advocacy Conference held in Melbourne last week on 16 and 17 July. The resolution that came across my desk on Friday was no great surprise in terms of its focus but the lack of a response from the minister this afternoon was, I think, extremely telling. I will repeat what the conference actually resolved so that it is on the record in terms of this grievance:

> The National Advocacy Conference 16-17 July 2007 strongly condemns the Rann government in South Australia for the state budget decision to remove funding for disability information and advocacy services thus increasing the vulnerability and disadvantage of people with disability and those that support them.

The 300 delegates at that conference unanimously agreed to that resolution—and with good reason, because this government has chosen to reduce by more than 50 per cent the funding it provided to disability advocacy and information services. Basically, it took the $1.3 million previously put into that area and reduced it by $750 000—so, across the whole range there is now only $550 000.

That means that some organisations will not have any funding whatsoever; they will actually be unable to continue any advocacy and information services and the whole organisation will thus collapse. That is appalling, and it was telling today that, when the minister was asked about it, he chose to answer by talking about another resolution entirely, one that related to commonwealth matters. The minister knows as well as I do that, independently, he cannot do anything to deal with commonwealth issues; however, he can fix things in the disability sector. One of the sad things about this is that whereas schools, nurses, and all sorts of other people can actually protest, the minister relies upon the fact (and he is very well aware of it) that in the disability sector parents and carers find it very difficult because they have to do so much to find just an hour in a day to actually attend a rally. They were very organised before the last election, hoping they would get some improvement in their circumstances, but now that the election is out of the way this government is doing exactly the wrong thing by all these organisations.

I particularly want to talk about BINSA, the Brain Injury Network of South Australia. We all hope that none of us ends up having to use the services provided by this organisation. It has been in operation for about 15 years and does a remarkable job in dealing with people who have what is known as an acquired brain injury. I used to have some contact with people in those circumstances by virtue of my practice in personal injury claims from car accidents, and it is a common way for people to acquire a brain injury. Happily (as with a lot of motoring things), we are seeing lower numbers of people who acquire injuries such as that, but people may also have strokes or other neurological conditions that can lead to these sorts of acquired brain injuries.

There are lots of other organisations (Deaf SA, Paraquad SA, Autism, Muscular Dystrophy, a whole range of them), 10 or 11 in number, that have lost their funding for independent advocacy, but advocacy, in particular, needs to be separate from the organisation to which they are advocating. You cannot have your advocacy services within Disability SA, it just does not make any sense, because a lot of the time it is the Disability SA failures about which they are making the suggestions.

I have a letter from a constituent who wrote to express her great concern about the cut in funding, particularly for BINSA. She said that information, advocacy and support was not available once formal rehabilitation was completed until this organisation came into being about 15 years ago. She wrote:

> This resulted in large numbers of people and their families seeking help in a system which was then, and is still now, not responsive to many of their needs. Many of them resorted to returning for help to the medical/rehabilitation system which is not resourced to provide such services in the longer term. Many became depressed, angry, isolated or alienated in a situation where their needs were not understood and there were no resources to assist them.

One of the things about all these organisations is that they have large numbers of volunteers attached to them and those volunteers not only give service for hours but also have great expertise in the areas in which they are dealing.

Time expired.

SAME-SEX: SAME ENTITLEMENTS REPORT

Ms CICCARELLO (Norwood): I rise today to speak on a report handed down by the Human Rights and Equal Opportunity Commission last month entitled, *Same-Sex: Same Entitlements*. The report is the culmination of more than 14 months hard work. The commission released discussion and research papers, held public hearings and community forums throughout Australia, and received 680 submissions covering a range of topics, many of which described personal first-hand experiences of the impact of discriminatory laws

on same-sex couples and their children. Late last year, during the debate on the Rann government's Domestic Partners Act, I called on the federal government to amend federal legislation which blatantly discriminates against couples in a same-sex relationship—a call that continues to go unheard and unheeded.

It is another sad legacy of the Howard government that for 11 long years it has openly treated persons in same-sex relationships as second-class citizens, so I am heartened that the Human Rights and Equal Opportunity Commission has added its voice to the chorus of condemnation against the Howard government for its trampling of fundamental human rights—human rights to which every Australian should be entitled and which encompass the basic principles of non-discrimination, equality before the law and the best interests of the child.

In finding that Australia has breached the International Covenant on Civil and Political Rights, not to mention the convention on the rights of the child, the commission concluded that 58 federal laws in Australia discriminate against same-sex couples in the area of financial and work-related entitlements, and that many of these laws also discriminate against the children of same-sex couples and fail to protect the best interests of a child in the area of financial and work-related entitlements. The list of legislation which denies same-sex couples access to basic entitlements which their heterosexual counterparts enjoy is staggering. Employment, workers compensation, tax, social security, veterans entitlements, health care, family law, superannuation, aged care and migration are all areas which contain blatant discrimination and which, incredibly, are still on our statute books.

This is a comprehensive report and, like many before it, it unequivocally states that the Howard government is blithely neglecting the same-sex constituents it is supposed to serve. What do we get from the Howard government by way of response to this report? It is a very similar defence to what it mounted to the climate change argument: first, denials and, then, an insistence that it is doing nothing wrong. For instance, the Prime Minister in response to a question about a Galaxy poll that showed 71 per cent community support for same-sex couples having the same legal rights as heterosexual de facto couples said:

> We are not in favour of discrimination but, of course, our views on the nature of marriage in our community are very well known and they won't be changing.

Credit to the PM for obfuscating the issue with a reference to marriage, which, I might say, has nothing to do with the report but, if he is not in favour of discrimination—which quite clearly he states he has been for many years—why will he not act immediately to amend these 58 pieces of legislation?

Then we saw the Attorney-General, who is the man actually responsible for this issue, say:

> The Australian government is not in favour of discrimination. The government will consider making further changes to the relevant legislation on a case-by-case basis.

I am not sure what a case-by-case basis means, but I guess the Attorney-General does not consider the findings of the HREOC report persuasive enough. Then we saw the former leader of the National Party, John Anderson, say:

> It depends what they mean by 'rights'. I think I have to say that I think there ought to be positive discrimination in favour of traditional marriages. Beyond that in other areas I think it is a matter of pointing out, apart from anything else, that I find it very hard to identify any rights that they don't have.

Perhaps Mr Anderson should read the reports, because there are 58 of them. Once again, despite overwhelming evidence on an issue which affects many thousands of Australians, the Howard government simply refuses to believe that it has foisted—and continues to do so—a grave injustice upon its people. Injustice is not too strong a word, for it is a cruel injustice indeed to deny rights and entitlements to persons based solely on whom they love and with whom they wish to share the rest of their life.

It is ironic, too, that a situation which affects so many so deeply can be fixed so easily with a few simple amendments to definitions of what it means to be a partner or a member of a family. That is what the commission has recommended. A few strokes of the legislative pen could fix this situation once and for all. I am quite sure that the Rann government would be happy to provide consultation and advice free of charge. We have a history in this sort of thing. Last year we removed legislated prejudice against same-sex couples in 99 separate statutes by equating the status of same-sex couples with that of heterosexual couples. Our Domestic Partners Act passed into law on 1 June this year, and I consider it to be one of the government's finer achievements. It is now time for the Howard government to put up or shut up.

I am sick and tired of hearing its public bleating that it does not believe in discrimination and that it respects the rights of same-sex citizens. Its statements, at best, are the epitome of indifference and, at worst, an outright lie.

Time expired.

PAYROLL TAX

Mr PISONI (Unley): Before I start, it is interesting to pick up on a few points made by the member for Norwood when she said that the Rann government is a leader on same-sex relationships. I know that the honourable member is uncomfortable about this, but here she is saying that this is equal rights when same-sex couples must have a qualifying period before they can say that they are a couple. It is an absolute outrage. It is not equal rights, and she knows it, but she is scared about her preselection, and that is why she will not say anything else. We know how the Labor Party treats rats. It throws them out, whereas on this side of the house we can put our electorates before the party.

Members opposite cannot do that. Their constitution does not allow them to do that. It is the only Labor Party in the world that has that constitution, and it is an absolute outrage. However, that is not what I got up to speak about. I got up to speak about payroll tax and the cynicism of this Rann government. I was amazed when I saw the government's press release and how it has reacted, again, to last week's successful media exercise on payroll tax for the first time in a long time. The Liberal Party has been trying to get the reduction of payroll tax on the agenda as a sexy issue. I thank Dennis Bunnik from Bunnik Tours for his significant investment of a $2 500 advertisement in *The Advertiser* last week.

It was a nice bit of cynicism. He is very cynical. He must be getting used to the Rann government, to be as cynical as he is. It was a very cynical advertisement about his contribution to the state coffers through payroll tax, but he raised some interesting points. His company has been paying $46 000 in payroll tax over the last three years. If he had his

business in the Northern Territory, the ACT, Queensland and, of all places, Tasmania he would not be paying payroll tax. So, what do we get from the government? Last week it rolled out the bovver boy, Kevin Foley, because it is a bad news story about payroll tax and someone had to defend the government. He said that this businessman does not know what he is talking about; that he is just out for a publicity stunt.

A publicity stunt? That is interesting—the Rann government accusing someone of using publicity to get their message across! It is outrageous that someone should do that! I thought the Premier had a monopoly on that. The Premier has a monopoly on using publicity to get a point across, but that is another story. The government dismissed it simply as a publicity stunt. This was a cry for help from small business in South Australia. That is what it was, and I congratulate Dennis Bunnik on bringing that forward. But what was the cynical response of the government?

The government's response was to announce today that it is exempting the RSPCA, among other organisations, from payroll tax. What a cynical exercise that is, although I must say that I do support it. It was Liberal Party policy which was ridiculed in this parliament by the Deputy Premier at the last election. As a matter of fact, I think he even used the tax act and quoted it to say that it could not be done but, here we go, it is a backflip. I think it is the third one this week. We had the QEH yesterday. It is the third backflip on Rann government policies because it is out of touch.

What I find offensive is the absolute disdain this government has for small business. It is prepared to give big business tax cuts, it is prepared to give relief from payroll tax to the RSPCA and other organisations, but it does not give a toss about small business, because it does not understand small business. It is an absolute outrage. We have the worst payroll tax regime in the country, with the lowest threshold. It has made no adjustment for inflation and no adjustment for wage growth. We have the smallest of businesses now brought into the payroll tax threshold. This is on top of the personal insults of the Minister for Consumer Affairs against every real estate agent conducting a business, calling them robber barons, which is an indictment of the way this government feels about business. It is an absolute outrage and a disgrace.

Time expired.

GAWLER MIGRANT WOMEN'S PROJECT

Mr PICCOLO (Light): In my previous life as mayor of the town of Gawler, I had the privilege of supporting an initiative of the Gawler Zonta Club. In 2003, due to the fact that most of Gawler's recorded history was about men, the Zonta Club of Gawler initiated a program of recording the lives of women believed to have made a significant contribution to the Town of Gawler, both past and present. To this end, the Zonta Club of Gawler donated funding to employ the editing and mentoring skills of Elizabeth Mansutti, a prominent South Australian writer and community historian.

A committee of five women was formed to run writing workshops in the community, advertise in the local press for contributions, and actively seek and write histories themselves. This has been done in close cooperation with the Town of Gawler Public Library, which has set up a special public access archive for all the stories collected. The committee is also seeking funding to publish a booklet. The project continues today whereby the criterion for 'significant' has been redefined in a more inclusive manner. The women are not necessarily well known but, rather, have contributed to the community in their own unique ways.

The project seeks to document the many varied lives that women in Gawler and surrounding districts have lived. One area the project has not covered to date was the lives of migrant women in the local community. These women came to live in the area during the late 1940s, the 1950s and 1960s. They left their place of birth with their husband and/or family, and for many the trip to Australia was the first time they had left their village or town where they were born or grew up. They came to Australia to build a new and better life for themselves and their families. They often left behind their own mother, father, brothers and sisters.

While the lives of migrants have been documented in an academic sense, this project seeks to acknowledge and celebrate the experience and lives of the migrant women in the Gawler area. Their lives and experiences are different from those who settled in the eastern and western suburbs of Adelaide. These women, predominantly of Greek and Italian heritage, have not had their contribution to the community documented to date, partly because of language barriers but also because they have tended to focus on the essentials of their perceived everyday living—raising and caring for their families. While many still experience some difficulties with the English language, they have progressively integrated into the general community, as will today's migrants over time.

To ensure that this group of women gets an opportunity to tell their stories effectively, the Minister for the Status of Women (Hon. Jennifer Rankine) has approved a grant so that the Zonta Club of Gawler can utilise the services of appropriate interpreters and translators to assist in the recording of their life and history. It is envisaged that a group interview will take place with one interviewer in an informal, relaxed atmosphere, with interpreters present to facilitate discussion. Provided that the interviewees are willing, the session may be also audio and video-taped. A collation of each woman's story, and their collective story, will be produced from the various recording methods. These will be typed and given to each interviewee for checking. Where necessary, a translated copy will also be provided. When interviewees are completely satisfied with the final draft of their story, they will each be given a final draft and their written permission obtained to place their story in the library archive or to be used in a book or the local media. No story will be published under any circumstances without the subject's written permission.

I look forward to reading the histories of these women. Their stories will highlight their transition experiences of raising families in a different and, at times, confronting culture. Their stories will talk about their relationships with their children and of the tension of raising them in two cultures. We will learn about how they adapted to their new country, and about their feelings of loneliness and isolation at times. We will also celebrate with them their stories of success and achievement.

I thank the Gawler Zonta Club for initiating this project and also acknowledge the wonderful work of Ms Judy Gillett Ferguson, who has been a strong supporter of the Gawler migrant women's project. Some of these first generation migrant women have died and, sadly, their real stories have been lost. The grant provided by the minister will ensure that this history is not lost to future generations and, in particular, the future generations of these migrant women. The lives of these migrant women will enrich the social history of the Gawler community.

ADJOURNMENT DEBATE

The Hon. J.M. RANKINE (Minister for State/Local Government Relations): I move:

That the house do now adjourn.

BABY DEATH

Ms CHAPMAN (Bragg): Today I ask the question: did a baby in Victor Harbor die in vain in May 2004? Today I received a response from the Minister for Families and Communities to a question that I have repeatedly asked, as indeed did my predecessor as the opposition spokesperson or Families and Communities, the member for Heysen, as to why did a baby die whilst under the guardianship of the minister in May 2004. The reason for raising this is because, on 26 May 2004, the minister stated in relation to the death of the baby at Victor Harbor that he would 'call for an evaluation of the role of each government agency in relation to this matter'. On 6 September 2004, the minister stated on radio that the new Child Death and Serious Injury Review Committee—which had been established under his watch and on the recommendation of Robyn Layton QC—had been established and, in respect of that baby, he said, 'learn from what we have failed to do to prevent further deaths'.

Then in parliament on 15 September 2004, that is, a few days later, and now nearly three years ago, the minister stated that the death of the baby at Victor Harbor would be 'an appropriate matter for the committee to investigate, and it will look at the range of cases, both current and past'. Then again, on 23 November 2006, in response to my question as to whether the committee will investigate the death of the Victor Harbor baby, the minister told the house:

> It remains a proper case for the committee to investigate. I think it should inquire into it.

Well, the minister did answer today, and he said, on both 15 September 2004 and 23 November 2006:

> I stated that in my view this would be an appropriate case for the committee to review. I did not suggest that I would refer it on. In my view it would be inappropriate if I were to direct the committee which cases to review and which cases not to review.

The fact is that the minister had assured this house, over years, that this is a case that would be referred to his newly appointed body. He has not only failed to do so but he clearly refuses to do so, and I think it is shameful that, when we have asked questions about the circumstances relating to the death of this child, under his guardianship at the time and which his department knew about, we still have no resolution. After fobbing it off as a matter which he would refer, quite properly, to the committee which he has established, we now have the determination by him that he tells us that he has not even sent it on to them. We never asked him to direct that committee to do anything. He has told this parliament what he intended to do. He has not only failed to do that but he is refusing to give an answer to this house as to why that baby died and what he has done about ensuring it does not happen again.

I think it is utterly shameful that he should now come into the house at the closing time of this parliament and actually tell us that he is not going to do it, that he would not do it, and that it would be obviously improper, in his view, to actually investigate this matter. This is a disgrace, and I think it is time that this government understood that that is why we have these investigations, so that these things do not happen again and that more children do not die. He needs to understand the focus of this. He has his committee, all of which he has appointed, but he has not even come back to us to say whether he has even referred the case or even asked that it be investigated in any way. Well, I will be. I will take up the matter with this committee and ask them to look at this matter, and if they decline to do so I intend to again report back to this house.

There is a second death which I suggest has gone unanswered by ministers in this parliament. In this instance I refer to the death of a cyclist on Waterfall Gully Road earlier this year. As we know, on 25 February a cyclist died after skidding off one of the rough patches on Waterfall Gully Road. It is an issue which I brought to the attention of the Minister for Transport. I wrote to him in March. I have presented petitions to this parliament. I have raised and brought to his attention the severe state of this road. It is a road which he is directly responsible for as a state road, a road which was severely damaged as a result of flooding in November 2005.

I gave notice to him and raised the issue about the government's responsibility to remediate the area when nothing had been done other than to provide the immediate removal of some 16 000 tonnes of rock that had come out of the parks and wildlife area into the Waterfall Gully area and subsequently caused direct damage to the road. The road was 'repaired', in the sense that massive gaping holes were filled up and it was resurfaced in the direct areas, but nothing has been done to deal with the road as a hazard, which it has continued to be, other than to sit back and wait for the Coroner to present his or her recommendations on the condition of the road and what action should be taken.

It is not only the condition of the road per se, but a number of hazards have been identified as a result of the flooding. These include a considerable amount of native vegetation within the creek line that effectively clogs up the creek line so that, in the event of flooding, this causes a greater hazard on the road itself. It is not only a situation where, in this case, a 31 year old cyclist has skidded off the road and died as a result of his injuries and nothing has been done by the government to remediate what is clearly a death trap, but last week we had yet another serious accident. On 11 July a car rolled over, causing serious injury to 16 and 17 year old occupants. That, again, ought to highlight to the government what a serious situation this is and that we continue to have cyclists, people who walk up and down Waterfall Gully Road, who are residents in the area or locally in the community, as well as the road users.

I remind the house and, in particular, the minister that this is a road that accesses Waterfall Gully, a very significant place for members of the metropolitan community and for those who visit regional South Australia as a place of recreation, as a magnificent place of native vegetation which accesses the parks and a number of significant walks up through Mount Lofty, and so on. It is a significant place to visit for thousands of people across the state who access the facility. If the minister thinks that this is a call that I am making only for the people who live along Waterfall Gully Road or in the immediate environs, he could not be more wrong. The 31 year old cyclist who died was not from within my immediate electorate; he was actually from Unley. The young people who were occupants of the car, to the best of my knowledge, were not residents of this area.

It is very important that this matter be raised and that the government do something about it. I wish to pay special

tribute to Gia Lukes, a trainee journalist with the university here in South Australia. In a recent request she made to interview me on a local issue, she raised with me the fact that there had been a further serious accident on the road and that, with what I think was an example of the fine skills she is developing in her career, she had done the research on this issue and had secured photographs of the car rollover and interviewed local neighbours, who noted that there had been some eight accidents in recent years at the same site on Waterfall Gully Road. She was able to interview me in a mock interview, I suppose, as the local member, which I was pleased to do, and I wish to thank her for bringing this matter of the further serious accident to my attention and which I am pleased on her behalf to bring to the attention of the house.

It is an important matter and, again, an issue that highlights the deficiency of the government's program or the lack of a program in relation to the remediation of this road. It remains urgent and remains a deadly piece of infrastructure, for which this state government has direct responsibility. Again, I ask that the government attend to remediating the situation without further delay.

RESIDENTIAL TENANCIES ACT

Mrs GERAGHTY (Torrens): I want to raise a couple of issues today but, particularly, a number of constituents have discussed concerns with me regarding the application of the current Residential Tenancies Act. I understand that under the current act a tenant who has entered into a residential lease can have their full rent adjusted after six months, provided the tenant is given 60 days' notice of the intention to increase the tenant's rent. While the tenant can object to such an increase through the Residential Tenancies Tribunal, there is no provision to appeal on the grounds of financial hardship. For instance, the landlord can tie a tenant to a long-term lease on less than market rate rental as an enticement to enter into the lease and, after six months, increase the rent to market rate. In an example that I was recently made aware of, the rent increase after six months was over 40 per cent. For many tenants such an increase would be untenable. As section 57 of the current Residential Tenancies Act 1997 stands, it is highly unlikely a tenant would be successful in seeking an order from the Residential Tenancies Tribunal limiting the rental increase in this circumstance. This is because the increase being sought could be well within the tests applied under the act. Those tests are:

- the general level of rents for comparable premises in the same or similar localities;
- the estimated capital value of the premises at the date of the application;
- the outgoings for which the landlord is liable under the agreement;
- the estimated cost of services provided by the landlord and the tenant under the agreement;
- the nature and value of furniture, equipment and other personal property provided by the landlord for the tenant's use;
- the state of repair and general condition of the premises; and
- other relevant matters.

If a tenant, because of financial hardship, in such a situation was forced to break the lease as a result of an inordinate rent increase, they may well be up for considerable costs, as the landlord could recover the costs of re-leasing the property concerned. Should this take some time, the ex-tenant could be placed in an extremely difficult financial situation for reasons completely outside their control. I believe there is a case for further legislative provision which would further quantify what an excessive rent increase might be, such as a rent increase in excess of the housing rental CPI plus, say, 3 per cent. This may limit a landlord's ability to seek exorbitant increases after a tenant is locked into a lease. At the very least, a tenant should be able, without penalty, to break their lease if the housing rental CPI-plus figure is exceeded.

A further issue of concern is failure to set up a definable obligation on the landlord to sign or dispute the release of a security bond. If the landlord is tardy—and certainly I know of a number of cases where this has happened—by failing to agree to the disbursement, the tenant is the one who has to follow up the matter with the tenancy branch of the Office of Consumer and Business Affairs. Whilst the current act does allow a tenant to lodge a bond refund form with the tenancy branch, this requires the tenant to take action to see that their bond is repaid. Quite often tenants delay such action in the hope that the landlord will sign the bond release form and lodge it with the tenancy branch. The tenant can be put under substantial financial stress as a result of such delays. Currently, there is no default whereby a landlord is required to either agree or disagree to the disbursement of a security bond within, say, 20 working days after the cessation of the lease.

It is my view that in a case where a landlord has failed to act within a reasonable time, the security bond should automatically be disbursed to the tenant. I accept that, if the landlord has a genuine reason for withholding a tenant's bond, they have a right to argue that before the Residential Tenancies Tribunal but, where they intend to take such action, they should act in a timely manner when exercising that right. Recently, I have written to the Minister for Consumer Affairs raising my concerns, and I have asked her to look into this matter.

As to the other issue I wanted to raise, members may recall a *60 Minutes* program which dealt with a number of suicides of Telstra employees in the past 12 months. While I do not intend to go into the details of those events that regrettably led these poor individuals to commit suicide, I intend to question the significant issue of work intensification that the program highlighted. I want to be fair to Telstra by saying that it is not the only employer that uses the techniques that the *60 Minutes* program covered. Within the call centre arena, the monitoring of employees and the targets that are set for them can lead to the enormous pressures being placed on individual employees to achieve.

Talking to my friends at the Communications and Electrical and Plumbing Union (the CEPU), and my friends at the communication branch, I am advised that in the telecommunications industry monitoring has been turned into an art form that invades the privacy of its call centre employees to an extreme. Every minute of an employee's day at work can be monitored, from the time they first log into the phone system to when they log off for the day. There are systems that are capable of recording every word that is spoken by employees, every keystroke they make on their keyboards, as well as recording what the computer is logged into at any time. The technology that is applied, and can be applied, to monitor employees I think is rather Orwellian. Then there is the issue of the targets and the fact that the employee's day is measured down to the second with such statistics as the number of calls handled, meaning holding time, wrap time, revenue per log-in hour, etc.

If employees do not meet these targets, there is the threat of the company's performance involvement processes. The ultimate possible outcome of these processes is the employee's dismissal, and the employees are constantly reminded of this. I am reliably told that, in one particular centre in Adelaide, over 90 per cent of award staff have been subjected to the performance improvement process of a leading telecommunication company. The situation was so bad that the occupational health and safety rep of this particular centre sent a petition around to his workmates asking that a particular team leader be removed because of the bullying that the rep perceived was taking place and the team leader's use of the performance improvement process. When the company's management found out about the petition they gave the OH&S rep a formal written warning.

The CEPU tells me that it was approached by a group of team leaders from one call centre in Adelaide, who were concerned that management had increased performance targets for their staff by over 50 per cent. The killer for them was that, as team leaders, they were being asked to take calls one day in a fortnight. The team leaders conceded to their union that they would not be able to meet the targets being set for their own staff. They also admitted that the increased performance targets would mean that they would have more than 25 per cent of their staff on performance improvement programs.

The CEPU also advised me that, whilst the staff performance improvement policy of companies invariably suggests that the process is meant to assist staff members to meet their company's targets, the first question generally asked of staff who are summoned to attend an interview with management is: how you are going to meet the company's targets? Really, that is quite a ridiculous question. If the staff member knew the answer to the question in the first place, they would not have to be subjected to the performance improvement process. There is really little staff can do when an employer applies unreasonable pressure to meet these performance targets.

It is also well-known that when employees are placed in a position where they have little or no say in the way work is performed, or in the setting of work targets, this creates significant stress. Clearly, if employers are not prepared to address this situation, other mechanisms will need to be used to intervene for the health of these people. Advanced technology has seen a great enhancement in our lives, but there is a need to place controls on the use of technology to avoid the unintended consequences of being able to monitor our every move. Without realising it, in some workplaces we have moved to an Orwellian *Nineteen Eighty-Four* environment where Big Brother knows and sees all. There is no doubt that this is a serious occupational health and safety issue, and I believe that we as legislators need to deal with it.

Motion carried.

At 4.10 p.m. the house adjourned until Wednesday 25 July 2007 at 11 a.m.