HOUSE OF ASSEMBLY

Monday 1 December 2003

The SPEAKER (Hon. I.P. Lewis) took the chair at 2 p.m. and read prayers.

QUESTIONS

The SPEAKER: I direct that written answers to the following questions on the *Notice Paper*, as detailed in the schedule that I now table, be distributed and printed in *Hansard:* Nos 72, 87 and 163; and I direct that the following answers to questions without notice be distributed and printed in *Hansard*.

DISTANCE EDUCATION HOME SUPERVISOR TRAINING PROGRAM

In reply to **Ms CHAPMAN** (Estimates Committee A, 19 June).

The Hon. P.L. WHITE: The member rightly states, the Distance Education Home Supervisor Training program commenced in mid 2002.

Funding allocated for the program is $50 000.

SCHOOLS, PUBLIC

In reply to **Mr HANNA** (Estimates Committee A, 19 June).

The Hon. P.L. WHITE: The member's question refers to an *Advertiser* article of 12 June 2003 entitled "Public Schools horde $180 million in Schools". The article stated that "$179.9 million was sitting in the South Australian investment fund (SASIF)—up from $107 million three years ago".

The data referred to in that article came from information released to the *Advertiser* in response to a Freedom Of Information request by the *Advertiser* under the FOI legislation.

Government agencies must provide requested data within 30 days and the information was provided in April 2003.

Changes implemented this year will ensure that money allocated to schools is used for the intended purpose and for the benefit of today's children, rather than sitting in SASIF bank accounts.

DEPARTMENTAL DEFICIT

In reply to **Ms CHAPMAN** (Auditor-General's Report, 11 November).

The Hon. M.J. ATKINSON: I have received this advice:

The Attorney-General's Department (Department) had approval to incur an Operating deficit of $9.657 million for 2002-03. This deficit related to approved carryover expenditure from the previous financial year. Expenditure relating to approved carryovers was funded from the department's cash at bank.

The main reason for the $0.843 million gap between the budgeted deficit of $9.657 million and the actual deficit of $10.5 million was owing to policy changes:

· Accounting for Assets at their Fair Value	$0.551 million
· Valuation methodology in Accounting for Workers Compensation	$0.435 million
Total	$0.986 million

The (non-cash) financial impact of these policy changes were not measurable until year end.

FEES AND CHARGES

In reply to **Ms CHAPMAN** (Auditor-General's Report, 11 November).

The Hon. M.J. ATKINSON: I have received this advice:

The fees and charges collected in 2002-03 compared with 2001-02 resulting in the $41 million increase in revenue are detailed in the table:

	2002-03 $'M	2001-02 $'M	Variance $'M
Taxation Receipts	262.7	229.0	33.7
Community ESL Levy	153.6	141.5	12.1
Betting Services	8.3	5.6	2.7
Commonwealth Specific Purposes	21.8	20.7	1.1
Agency Indemnity Fund	4.3	3.4	0.9
Interest Revenue	8.5	7.8	0.7
Other Minor Items	7.9	7.2	0.7
Sundry Recoveries	5.5	16.7	(11.2)
Total Fees & Charges	472.6	431.9	40.7

ADELAIDE POLICE STATION

In reply to **Ms CHAPMAN** (Auditor-General's Report, 11 November).

The Hon. M.J. ATKINSON: I have received this advice:

Cabinet approved a budget for the construction of the Adelaide Police Station of $30.5 million. Actual expenditure on this project was $27.868 million representing a deviation from budget of $2.632 million. These figures have been verified with the SA Police.

The reason for this positive deviation was owing to the market at the time being favourable for tendering, which resulted in purchases of property being made lower than originally expected. In addition, amounts were originally set aside for the purchase and demolition of other property that were not needed by the end of the project.

CRIMINAL INJURIES FEES

In reply to **Ms CHAPMAN** (Auditor-General's Report, 11 November).

The Hon. M.J. ATKINSON: I have received this advice:

The Victims of Crime levy receipts collected and paid into the Victims of Crime Fund were $5.5 million in 2002-03, a drop of $0.4 million from the levy revenue collected in 2001-02.

The reduction of $0.4 million in the levy receipts collected in 2002-03 was owing to the introduction of various new arrangements for fine payments:

- an extensive media campaign in 2001-02 ("Paying through the nose") informing offenders of the possible risk of repossession of their assets and withdrawal of their driver's licences for non payment of fines did improve levy collection;
- a call centre was established in 1999 looking at collecting outstanding warrants. This activity continued to the end of 2001, after which little emphasis was placed on the unit to collect old debts;
- utilising the Courts Administration Authority fines enforcement system assisted and increased the collection of outstanding Victims of Crime debts.

The above arrangements contributed to an aberration (of additional levy revenue) in 2001-02 when compared to the 2002-03 outcome. The one-off levy revenue increase was partly offset by the impact to the revenue associated with the increase in the levy rates effective from 1 January, 2003.

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 reports of Local Councils for 2002-03:

Goyder, Regional Council of
Grant, District Council of
Loxton Waikerie, District Council of
Mitcham, City of
Port Lincoln, City of
Prospect, City of
Renmark Paringa Council
Tumby Bay, District Council of
Whyalla, Corporation of the City of

EVERY CHANCE FOR EVERY CHILD INITIATIVE

The Hon. L. STEVENS (Minister for Health): I seek leave to make a ministerial statement.

Leave granted.

The Hon. L. STEVENS: On Saturday, the Premier launched a new service for every new baby in the state, Every Chance for Every Child. I believe all members would join in

supporting this initiative because we all want children in South Australia to have the best possible start in life. The time before birth through to eight years of age is the foundation for development and learning, good health and well-being. A few months ago, I had the pleasure of meeting with Dr Fraser Mustard, a renowned Canadian physician and author, whose work has provided a benchmark for child development and early intervention programs around the world. Dr Fraser Mustard has often said:

> The evidence is clear that good early child developmental programs that involve parents, or other primary care givers of young children, can vastly improve outcomes for children's behaviour, learning and health in later life.

That is precisely what we are now doing in South Australia. Every Chance for Every Child will provide the framework for new services, as well as a better more accessible and coordinated approach to existing services designed to help parents and their children at the time they need it most, right from the start.

The government, through the agency of Child, Youth and Health, is initiating a universal home visiting service which will provide support for all new parents and their babies. This program has already commenced and by June 2004, every one of the 18 000 babies born in South Australia each year and their parents will be offered a home visit by a trained child health nurse in the first few weeks of their child's life.

The service will provide practical support, advice and information when parents need it most. This will range from providing developmental checks, advice concerning successful breast feeding, and sleeping tips—in fact, the full range of help and reassurance that every parent needs at a time and in a place they feel most comfortable, which is in their own homes. Those parents who require additional support will be able to receive continued home visits over the first two years of their baby's life from a multidisciplinary team of health workers.

Every Chance for Every Child will see the government work with the community to build and strengthen community capacity. We want every community to be child safe and child friendly. Our aim through Every Chance for Every Child is to ensure that all of our efforts across government and the community are well coordinated and focused on the individual needs of parents and their young children. The government is committing a further $16 million over four years to underpin these new programs and will work to ensure that services for parents and children boost their accessibility and responsiveness.

With the launch of Every Chance for Every Child, the government is not only fulfilling a firm election pledge, but it is also implementing key recommendations of the Generational Health Review as well as the Layton review into child protection. My ministerial colleagues and I will be working hard to ensure that this initiative will bring benefits to all children and all new parents.

EDUCATION, CEO

The Hon. P.L. WHITE (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: Last Thursday the member for Bragg asked me a question about the performance agreement of the Chief Executive of the Department of Education and Children's Services. The member had her facts wrong and the information I gave in response was correct apart from my understanding that the original request was specifically for the 2003-04 financial year. However, in the spirit of cooperation with the member for Bragg, I table the signed final performance agreement put in place between the chief executive and me for the 2002-03 financial year with performance indicators for the 2003 school year.

QUESTION TIME

WORKING TOWNS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Industry, Trade and Regional Development. Will the minister advise the house why funds for the Working Towns programs have been completely cut? Regional development boards receive funds from the state government to assist community economic development initiatives and achieve real outcomes in regional South Australia. The program called Working Towns directly contributed at least $780 000 per year to regional South Australia. Additional funds were also attracted to projects from other organisations and agencies because of Working Town's leveraging ability. One of the regional development boards believes, and I quote from a letter to the minister himself, that:

> Its ability to facilitate and assist community economic and development initiatives has been severely curtailed by the state government's withdrawal of these funds.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I thank the Leader of the Opposition for his question. He is referring to one of the programs administered through my department and not through regional affairs. This is a program that has been used as an impetus for employment programs within the regions and, as the member said, it has been administered through local boards and sometimes local councils. A whole range of public institutions has been involved in this matter. Currently we are going through the process of changing our employment strategies, and those announcements will be made in the next week. I am optimistic that the focus on regional areas will be as strong as, if not better than, previously and we will be addressing that matter when the announcement is made in a few days' time.

ELECTRICITY PRICES

Mr RAU (Enfield): My question is to the Minister for Energy. What action is the government taking to stimulate the transfer of electricity concession holders to cheaper electricity market contracts?

Members interjecting:

The SPEAKER: Order! Can I help the house understand that questions are directed to ministers and other responsible members through the chair and not to the ministers themselves. The minister.

The Hon. P.F. CONLON (Minister for Energy): The house would be aware of some of the detail about which I am going to talk. The government has recognised something that has emerged in the electricity market that is fairly obvious and is not new, namely, competition. The decisions to go to a competitive marketplace were locked in many years ago, long before we came to government.

The Hon. I.F. Evans: Good old Paul!

The Hon. P.F. CONLON: They say, 'Good old Paul!'. I am sure they are referring to good old Paul Lucas, the energy minister in Queensland who told the ACCC to shove it as it is not doing FRC until it benefits Queenslanders. We know the previous government put us into FRC. I refer to full retail competition, for members opposite who still do not know what it is. They signed up to it, but they clearly did not understand it. One of the difficulties with which we have struggled was the decision of the previous government when privatising to sell to a single retailer and create a monopoly retailer at full retail competition. That was a policy decision of the previous government—something we had to live with. We have seen the introduction in South Australia of two new retailers this year and we hope for a third new retailer for small customers next year. We have seen competition working too much only for the big customers and large groups of customers and a degree of cherry picking. We have seen outcomes from competition and from a recent survey by the Essential Services Commission that too many low income households are not taking the benefit of cheaper contracts available and too many do not intend taking the benefits over the next year.

We moved some time ago to give a dividend from good government to relieve the burden for those most in need with a big increase in concessions. This is the payment of a $50 cash rebate for people to go out and find a cheaper deal and also includes us telling the retailers a few things: that they will have pensioner friendly contracts and not have exit fees, so they are not taking prisoners as a result of the government kicking along competition, that they will have payment options and will treat the concession holders in this state as valued customers. We provide the $50 relief and $100 additional relief will be given for those people doing it tough this year and kick along competition for those for whom competition is not delivering. It is a very good outcome. It is an innovative plan and because it is we have seen a rather confused response from the opposition.

I heard two responses yesterday morning from the same shadow minister, one saying that it should be given to everybody. So, the opposition want me to pay $50 towards Robert Champion de Crespigny's bill, Rob Gerard's bill and the Premier's bill—they want me to give it to everyone. A few moments later the response was that pensioners should be very careful and should not take this. Apparently it should be given to everyone except pensioners! That is code from the opposition for the approach we call the traditional opposition statement of: 'If this doesn't work it'll fail.' It was obvious the opposition was completely flummoxed by this announcement of the government. It is very good.

Members interjecting:

The Hon. P.F. CONLON: This is not a concession, Dean—I don't think you understand. I advise the Deputy Leader of the Opposition that it is not a concession but a rebate to kick along competition. We did the concession last week. You never called for this because you never thought of it. You would never have thought of it in a million years, because it does involve thinking. I am very grateful that so far it appears that concession holders have completely ignored the advice of the shadow spokesperson. The ESCOSA hotline this morning was completely overwhelmed by a startling number of calls. Can I get the message out to those people who are overwhelming the hotline: you don't need to do this immediately. It is available until 1 July, so wait for the outcomes of the review and until the retailers respond with better packages for concession holders. There are some out there already that are 5 to 8 per cent cheaper, so I say: please, take your time—

The Hon. W.A. Matthew interjecting:

The Hon. P.F. CONLON: The energy spokesman is now back on the other line: don't do it! I can tell the member for Bright that they are not listening to him; they are talking to us in enormous numbers. However, I ask them to be patient and to look around. We have included discussions with SACOSS and the Council of the Ageing to make sure that there are a number of streams of information, because dealing with market offers is very difficult. The truth is that the government was press-ganged into a competitive system a long time ago, and we realise that competition is not delivering for those who need something from it the most. We could have thrown our hands in the air and said, 'Competition is not delivering, isn't that bad luck?', but we have not done that. We have said to retailers: 'You will deliver for the low income people. We will add our kick to the taxpayers' kick to help it along, but you will deliver. Good policy from a good government!

REGIONAL DEVELOPMENT BOARDS

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Employment, Training and Further Education. Will the minister confirm that she is about to remove very significant training funds previously made available to regional development boards from her portfolio; and, if so, will she guarantee that these funds will not be lost to regional communities? Over recent years, the state government has provided regional development boards with significant training funding to ensure the delivery of relevant training in regional areas. Given the significant reallocation of funding from regional areas in the last year, it has been raised with the opposition that these funds are about to disappear.

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I have to say that this question is particularly silly. It is quite clear that we have not removed funds from the employment portfolio; we have not decided to defund programs in regions; and we have not decided to stop giving money to regional development boards. The problem that the honourable member does not seem to realise is that we have a new government and new policies. We are not living in the past using the same policies, funding strategies and strategic plan; we are a different government with different policy agenda and new programs.

FOSTER CARE SERVICES

Ms BEDFORD (Florey): My question is to the Minister for Social Justice. What changes are proposed to the way in which foster care services are provided?

The Hon. S.W. KEY (Minister for Social Justice): This government is reversing the years of neglect suffered by our child protection system. In this year's budget, we announced a $2 million increase for foster and alternative care providers. This is a large increase on what the previous government was prepared to pay for these important services. Foster care is designed to protect the most vulnerable children in our state. For years, foster and alternative care service providers have been concerned about their funding levels and the way in which funding has been distributed. This government has listened to these concerns and dramatically increased the funding available for foster and alternative care support

services, and tenders for the new program will close on 31 December 2003.

At my request, Mr Des Semple, a respected expert in this field, has recommended how we can best spend the $7.5 million pool to assist our carers. In addition to over $5.5 million in traditional home-based and respite foster care programs, we will also provide new specialist programs. An extra $600 000 is being provided to support foster care for children with disabilities. Another $640 000 will help stabilise children and young people with difficult behaviours so that they can be placed with families. We are also funding the recruitment and training of new foster carers.

Unlike the previous government, we are rebuilding the child protection system. We have also allocated $8.3 million over four years in additional foster care payments, funded extra FAYS workers and school counsellors, put $6 million into sex offender treatment and will spend an additional $12 million over four years on targeted early intervention programs—

Members interjecting:

The Hon. L. STEVENS: You put nothing in the area—and have announced universal home visiting for new parents. This government is acting on child protection, and we are determined to undo the neglect of the previous government.

BOATING FACILITIES ADVISORY COUNCIL

The Hon. R.G. KERIN (Leader of the Opposition): Will the Minister for Transport advise the house why, despite continuing to collect the recreational boating levy, he has failed to appoint members to the South Australian Boating Facilities Advisory Council—the very group charged with the allocation of the moneys collected? Within regional South Australia, currently at least two significant boat ramp projects are waiting for sign-off from the South Australian Boating Facilities Advisory Council. Unfortunately, these projects have stalled because they have not been able to get sign-off from that council. A search of the government's list of boards and committees shows that the body exists but, despite it being nine months since the tenure of previous committee members expired, the minister has failed to appoint new members. Meanwhile, boat owners continue to pay the levy and the minister sits on their money.

The Hon. M.J. WRIGHT (Minister for Transport): I have learned a good lesson from questions from the Leader of the Opposition: first, you need to check your facts. A couple of weeks ago, the Leader of the Opposition made certain accusations about me which have since been proven to be incorrect—and I am still waiting for an apology. I am sure that he will be man enough to front up to the parliament and provide that apology. To the best of my knowledge, no programs have been held up, but I will check that detail. With regard to the appointment of the committee, I have written to the key stakeholders asking them to provide their nominations to me.

Mr Brokenshire interjecting:

The Hon. M.J. WRIGHT: Wait for it, Robbie. Don't get over-excited. To best of my knowledge, some of that information has not been provided but, once again, I will check. To the best of my knowledge, I am still waiting for the nominations from key stakeholder groups (one in particular that I do not think it would be fair to name) that I have invited to make nominations to this important body. To the best of my knowledge, I am still waiting for that information to come back. I will check that detail. One thing I know is that, with accusations made by the Leader of the Opposition, you must check the facts.

CREDIT CARDS

Ms THOMPSON (Reynell): My question is to the Minister for Consumer Affairs. How is the government warning consumers about the potential pitfalls in credit and gift-giving during the lead-up to Christmas?

The Hon. M.J. ATKINSON (Minister for Consumer Affairs): Recent estimates show that Australians will spend more than $27 billion on Christmas shopping this year. South Australians love to buy things on credit. With so many presents and food items to purchase for Christmas and new year parties, many are tempted to 'put it on the plastic', or to seek out supposedly cheap credit arrangements.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: Australia.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: No; the economy is not quite that good. It is not until January, when the bills start rolling in, that consumers begin to realise that the party they had on credit has become a debt-induced hangover.

Obviously, the member for Mawson has been looking on the backs of buses today, because that is where our slogan is. 'Credit is the party: debt is the hangover.' Those consumers unable to pay off their purchases in full are left with interest payments they did not expect, sometimes as high as 22 per cent.

Members interjecting:

The Hon. M.J. ATKINSON: This is why the Office of Consumer and Business Affairs is launching its Christmas credit warning today. It is called 'Credit is the party: debt is the hangover.' From today the message will appear on buses travelling on 17 major routes across the city and the suburbs.

Mr Brokenshire: Routes?

The Hon. M.J. ATKINSON: Routes. The member for Mawson can look in this dictionary.

Members interjecting:

The Hon. M.J. ATKINSON: What school did you go to? The Labor government wants to remind consumers to think carefully before overspending on credit or taking advantage of interest-free terms. To avoid the debt hangover, consumers should set a budget and stick to it—I know that is very hard for members opposite—and consider whether they can afford extra credit before accepting offers to increase their limit. That is very hard for the Hon. R.I Lucas, but I advise consumers not to use the Hon. R.I.Lucas as their model. They should try to pay their credit card balances off in full each month—very hard for the opposition, when they were in government—switch to a credit card with a lower interest rate if they cannot pay off the full monthly amount. I know our Treasurer is trying to do that; he is trying to get the Liberal party's debt down by getting a AAA rating here in South Australia. They should also think carefully before buying presents on interest-free arrangements and not be afraid to ask for help if they get in trouble by calling the Office for Consumer and Business Affairs. The member for Reynell knows all about this because, in her newsletter, *The Reynell Report*, the member for Reynell is always offering consumer affairs news to her constituents. The member for Reynell knows it is of interest to her constituents.

Speaking of Christmas, and as a keen bike rider, I would like to repeat how important it is that people only give bikes as Christmas presents that meet safety standards. Safety

inspections by consumer affairs officials this month have shown that bikes and helmets across the state have revealed missing bike brakes, battered second-hand helmets—once a helmet has been in an accident it will not save you a second time—and bikes not legal for use on the road. Remember, if the wheel base of a bicycle is more than 64 centimetres axle to axle, it has got to be roadworthy: it has to have reflectors front and back, it has to have front and back brakes and it also has to have a warning device—a bell—in working order.

As we celebrate this season of Advent, leading up to the feast of the nativity of Christ, it is especially important for consumers to be aware of their refund rights. Consumers are not legally entitled to a refund if they change their mind, choose the wrong colour, find the same item at a cheaper price at another shop, or find out that the person for whom they bought the gift does not like it.

Members interjecting:

The Hon. M.J. ATKINSON: When we inherited your post-Christmas debt in March last year we were able to return some of your policies and get the money back, put it back in the budget and get a cash surplus. That was how good this government's budgeting was. Further information about consumer refund rights, credit issues and a checklist of what to look for when buying a bike is available at www.ocba.sa.gov.au, or ask me.

SPORTING ORGANISATIONS FUNDING

The Hon. D.C. KOTZ (Newland): My question is to the Minister for Recreation, Sport and Racing. Will the minister advise the house of any decisions he has made in relation to the $1 million worth of funding, not yet allocated by the minister, for sporting organisations, secured by the Liberal Party as part of pokie tax reform and passed one year ago?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): I actually thought that it was bipartisan support that resulted in this $1 million. I thought it was genuine bipartisan support. I would have thought that the member for Newland would welcome that. Sir, this is an important piece of money which needs to be put to maximum use, and what I have asked the Office of Recreation and Sport to do—

Members interjecting:

The Hon. M.J. WRIGHT: No, what I have asked them to do—post, of course, the announcement of the review findings which have now been made and which are now out there in the public domain—is to provide me with a range of options that I can consider, taking into account the wishes of the parliament, regarding how that money can best be spent and go out to the broad stakeholder community.

The Hon. D.C. Kotz interjecting:

The Hon. M.J. WRIGHT: Would you like to hear the answer?

The Hon. D.C. Kotz: What, all the options are still there? Have you got an answer?

The Hon. M.J. WRIGHT: What I can say is that I do not think that the initial piece of advice that I received did justice to what the parliament would expect in regard to how that money can be best spent for the stakeholders. So I have asked for some more work to be done, and I hope to be in a position to advise Economic and Finance this Wednesday, because one of my responsibilities is to consult with them. That would be a good outcome. Because what we have now got as a result of the review findings is that, for the first time for a long time, we can be confident that the money in the various programs—the Active Club, the management and development program, the money that is spent for infrastructure—is being, and will be, spent wisely as a result of the recommendations. We also need to make sure that this additional $1 million is not only spent wisely in the best interest of all the major stakeholders but also takes account of the wishes of the parliament.

HEALTH CARE WORK FORCE

Mr SNELLING (Playford): My question is to the Minister for Health. What action did the recent conference of Australian health ministers agree to take to increase the number of undergraduate places in our universities to achieve a sustainable work force for health care in Australia?

The Hon. L. STEVENS (Minister for Health): I thank the member for Playford for this very important question. Last Friday the commonwealth, state and territory health ministers agreed to give priority to work force issues by working with the commonwealth minister for education and the higher education sector to maximise the health sector's share of some extra 9 000 additional higher education places, to be allocated by the federal government in 2004.

Australia is experiencing health work force shortages, including nursing, medical, allied health and dental professions. Of the 14 non-information and communications technology professions on the Australian government's national skills shortage list, no less than 10 out of 14 relate to health. For example, medical schools are currently graduating about 1 300 per annum, with this increasing to a mid-decade estimate of about 1 450.

This number of graduates is 300 less than the 1 752 estimated requirement in 2004. Last year, out of the 234 additional places allocated across Australia for medical students, South Australia was allocated only 14 extra places at Flinders University, which were all conditional on providing undergraduates to the Northern Territory. For nursing, the shortages are even more dramatic. A study on Australian nurse supply and demand for 2006 that was undertaken for the Australian Council of Deans on Nursing indicates that, by 2006, the requirements for graduates will be 10 182 compared to a supply of 6 131 graduates—a shortage of 4 051. In South Australia, some 490 nurses will graduate this year, compared with a need for 1 000 graduates to make up the shortfall and maintain the registered work force.

This year, the state government allocated an extra $6.7 million, which will continue through each year for the term of the government, to fund the employment of extra nurses. In addition, the government has allocated $5.4 million since it came to office for a recruitment and retention plan. This includes strategies to attract nurses from overseas, training and re-training opportunities, flexible working conditions and the offer of a job to every one of the 490 nursing students who will graduate in South Australia over the next few months. The health sector's increasing reliance on overseas trained health professionals is a short-term approach and, in order to achieve a sustainable work force for health care in Australia and replace an ageing work force, the federal government must increase undergraduate places.

HENSLEY INDUSTRIES

The Hon. I.F. EVANS (Davenport): Given the announcement by the Minister for Environment and Conserva-

tion in January this year that Hensley Industries would be moving out and closing its foundry by March 2004, will the minister please explain to the house why the EPA is currently negotiating with the company to replace the foundry with a new foundry on the existing site?

The Hon. J.D. HILL (Minister for Environment and Conservation): The issue of the Hensley foundry, of course, has been plaguing the local community for some time. It is one of a number of foundries that are inappropriately located in the metropolitan area, as members would know. We are really dealing with a legacy of history. The old system of planning was to build a factory and then make sure that there were plenty of workers' cottages nearby so that people could get to work. Of course, modern workers and the people who live in those cottages no longer want to live next to foundries. The EPA has been working for a considerable period of time with that local community and with Hensley Industries to fix up the problems associated with it. It has issued orders to Hensley Industries which will mean that that particular operation has to close by March next year.

The Hon. I.F. Evans: What about the new foundry?

The Hon. J.D. HILL: If the member wants to hear the answer, he has to listen. You cannot talk and listen at the same time; it is a basic principle. It is also a principle of good manners, but that is another matter altogether—and I am sure that, while the member for Davenport might need some assistance with that, he does not need to hear from me. In relation to that site, the land is zoned industrial and, of course, any other operator which comes along and chooses to put a factory of some sort—an industrial operation—on that site has to go through the normal planning processes. As it happens, another company—another entity—that has some association with the old Hensley company has put in an application, as I understand it, with the local council to have an operation on that site. What effectively has happened (as it has been explained to me) is that Hensley Industries has split into two entities. One of those entities—which, I think, has the larger, dirtier proportion of the activity—is moving to the designated zone at Wingfield. The other entity, a new corporation, is putting in an application for a factory on the Hensley site. That has gone to the local council, and council has sought advice from a range of organisations, including the EPA.

The EPA has not given approval for any activity to occur on that site, nor has it rejected any activity. As is its duty, it has to consider the application. I understand that it has sought further information from the proponents and that information has yet to be received, so the whole application is currently in some sort of limbo at this time. The Minister for Planning is nodding his head in agreement. This is a dispute in part between two councils. The Hensley operation is in one council area and is adjacent to another council area that would like to see a residential development on a piece of land which is relatively close by. It cannot go ahead with that residential operation unless there is no industrial activity on the site. I can assure the house that the current Hensley operation will cease in March next year—that is the advice I have been given—and any future development on that site will have to go through the appropriate planning procedures and comply with any EPA licences.

TOURISM, TAFE ASSISTANCE

Ms BREUER (Giles): My question is directed to the Minister for Employment, Training and Further Education. How does TAFE provide assistance to Aboriginal communities to attract tourism through sharing their Aboriginal culture?

The Hon. J.D. LOMAX-SMITH (Minister for Employment, Training and Further Education): I note that the member for Giles is very interested in Aboriginal employment and quite rightly draws our attention to opportunities in the tourism sector. For many people in regional and rural South Australia, tourism is one of the major hopes of employment in the future. In March 2002, the Mimili community in the Anangu Pitjantjatjara lands invited staff from tourism of the Onkaparinga institute to discuss their vision of opportunities for employment and training within their area and talked about a vision of actually running businesses by Aboriginal people in areas where they could discuss and present their culture to visitors. The work that was eventually carried out was done by Onkaparinga TAFE and was part of a project that had first been piloted in the Coorong as a way of establishing community tourism operations run by indigenous people. The funding for setting up the program with Mimili was initially from the federal government using Tourism Training SA to develop a business structure and plan, as well as providing training and uniforms for those people involved. A site trip was arranged to the Coorong Wilderness Lodge, and trainees witnessed how a good operation operated and learnt about their business plan.

Mimili Maku Tours was eventually established and opened for business in July 2003. Eleven students commenced their training in September 2002 and were employed as trainees, with training provided as a partnership between Mimili Anangu School and Onkaparinga TAFE, using the lessons and programs developed by Tourism Training SA. The Aboriginal Elders were involved in classrooms sharing and promoting their culture and passing on information to Aboriginal youth so that they could both enjoy their stories and find formal ways of teaching visitors. The stories were relayed as part of a tour experience with Mimili Maku Tours running tourism opportunities for local schools, government agencies and the general public.

On 18 November, just last week, nine students received their certificates, Certificate II in Tourism (Tour Guiding) at the inaugural graduation ceremony for Mimili Maku Tours. All nine students wish to continue studying and will embark on certificate III. The two key factors in this program are, firstly, that it was developed with an idea from the indigenous communities and, therefore, they had the ownership and guidance of the program, and particularly there were certificated modules and courses which provided them with formal education, allowed them to run the business and operate it in best practice form. I am particularly pleased that this program from Mimili will now be rolling out and will operate using Waljapiti Arts, in conjunction with Warrawong Sanctuary. We are rolling out further programs at Amata and Watarru in the AP lands, and also, importantly—and I am sure the member for Morialta will be pleased to hear this—we intend to run a similar project at Wardang Island out of Point Pearce.

HENSLEY INDUSTRIES

Mrs HALL (Morialta): My question is to the Minister for Environment and Conservation. Will he confirm that a current member of the EPA board is also acting as a consultant for the company that is negotiating with the EPA to

replace the old foundry with a new foundry at the Hensley site?

The Hon. J.D. HILL (Minister for Environment and Conservation): I cannot confirm or deny that. I will get a report and bring back some advice.

GAMBLING, CHILDREN

Mrs GERAGHTY (Torrens): My question is to the Minister for Education and Children's Services. How is the government educating—

The SPEAKER: Order! The question is addressed to the chair, not to the minister. I have already drawn attention to that more than once.

Mrs GERAGHTY: I apologise, sir. How is the government educating our students about the risks associated with gambling?

The Hon. P.L. WHITE (Minister for Education and Children's Services): My department has been working on a strategy to address this very difficult problem in our community, and I am pleased to say that today I launched the department's responsible gambling education strategy called Dicey Dealings. Dicey Dealings is a significant state government initiative to educate our young people about the financial, social and emotional risks of gambling, and I am proud to say that it is the first of its kind in Australia. At the seminar today, comments from our international guests were that they were unaware of a strategy in any jurisdiction around the world that was as complete and forward-thinking as is this strategy. It will be trialled next year in 15 government schools, with a view to expanding the program in 2005.

Problem gambling, of course, is a factor in our society and it is devastating. It is devastating for the people who have the problem and it is devastating for their family and friends. It is devastating for the whole community. The state government recognises the importance of ensuring our young people have the information that they need to recognise when gambling is a problem and the resources and skills to know how to deal with it. The strategy includes curriculum for the schools and training for teachers. Teachers will receive training so that they can properly promote responsible attitudes towards gambling among students.

There will also be a component of grants to schools whereby schools will take part in very innovative projects to explore the impact of gambling in our society. There will be a series of parent and school community forums to deal with local responses to problem gambling. The program is directed at year 6 to year 12 students. Of course, year 6 is when a lot of adolescents start to think about embarking on risky behaviours, and the strategy has the potential to influence gambling education not only here in South Australia but also across the nation. Indeed, the outcomes of this strategy are the focus of international attention.

CARE ALLOWANCES

The Hon. DEAN BROWN (Deputy Leader of the Opposition): My question is to the Minister for Social Justice. When she announced financial payments for care to residents of supported residential facilities on 11 November of this year, why did the minister not announce that existing board and care allowances to the 143 residents receiving a payment will be cut substantially, so the care support for these residents will also be cut? The minister announced payments of $5.65 per day per resident, but existing payments to hundreds of residents vary between $6.80 per day per resident up to $12.50 per day per resident. Now all payments are to be the lesser amount of $5.65 per day per resident, so residents will have their existing payments cut by up to half and so their care support is being cut.

The Hon. S.W. KEY (Minister for Social Justice): I thank the deputy leader for his question with regard to supported residential facilities.

The SPEAKER: Order! The camera operating in the gallery will note that the rules under which cameras operate in the chamber are that they are focused upon the member holding the attention of the house at the time and therefore on their feet on the call of the Speaker. To do otherwise will result in the withdrawal of the right of that camera and agency from being able to further participate in recording the proceedings of the house.

The Hon. S.W. KEY: I am surprised that the deputy leader would have the temerity to ask me a question about funding with regard to supported residential facilities, when in the media he has claimed that he had earmarked different amounts of money, one being $3.5 million. I have seen media releases that support this and it is interesting that none of that money ever reached the supported residential facilities in all the time that he was minister. I know that the deputy leader certainly had some genuine concern with regard to supported residential facilities, and I have said this a number of times in public, but the fact is that he never delivered and has been mischievous, particularly recently, with a number of people who have found difficulties because of the fact that most of the supported residential facilities in this state are private for profit facilities and a number are about to either withdraw their services or be sold and closed down.

We have been left with an inheritance of some 1 300 people who are in very difficult circumstances due to the fact that they have been neglected for at least the last eight and a half years by the previous government. Our government has put $11.4 million into supported residential facilities to make sure that these vulnerable people are supported, the services are connected up and they are not left homeless. The deputy leader needs to think very seriously about his lack of action when he had responsibility for this area. As to specifics with regard to the subsidies available, I will check details for the deputy leader and provide those details.

POPULATION SUMMIT

Mr SNELLING (Playford): My question is to the Minister for Federal/State Relations. How is the government approaching the challenges confronting the state, identified in the recent Population Summit?

The Hon. K.O. FOLEY (Minister for Federal/State Relations): I thank the member for Playford for his question. As many would recall, on Friday 21 November around 200 delegates met in this chamber for a national summit on population. It was convened by the Australian Population Institute (APOP). The summit was facilitated, as you would recall, sir, having been in attendance, by Philip Adams, and speakers included the Premier, Mr Michael Hickinbotham (President of APOP), Mr Robert Champion de Crespigny (the Chair of the EDB), Mr Peter Vaughan (Chief Executive Officer of Business SA) and, importantly, the federal Minister for Immigration, Senator Amanda Vanstone. I was scheduled to speak at the conclusion, but by the time I got here everyone had left to go and have a drink. They clearly had a long day and a wrap up and invitation by me to

cocktails was superseded by them simply going to have a cocktail.

At the Economic Development Summit (which was held in Adelaide seven or eight months ago) the Premier announced that the government is developing a population policy specific to our state's needs. Currently, South Australia has a population of just over 1.5 million. The Australian Bureau of Statistics forecasts that our population will peak at 1.6 million in 2027 and then begin to decline. It also forecasts that our population will age considerably over this period, with the proportion of people aged over 65 to rise from 14.8 per cent to 22.7 per cent. We should be mindful of the enormous cost that this will place on our community, particularly in the health sector.

At present we have a very low share of the national migration intake, and we have recently suffered net migration losses interstate which have drained our pool of skilled and talented young people. Then, of course, we were elected to government!

Members interjecting:

The Hon. K.O. FOLEY: I won't be provocative, but we have started to see a shift in migration back to our state. As Minister for Federal/State Relations and with responsibility for population policy, I will be overseeing the government's policy to ensure that we collect and build on this momentum that we are seeing emerge since being elected to office. What we will be doing as part of this policy is outlining the challenges that we believe we must embrace as a state. We must reach our per capita share of the national migration intake and, importantly, target the bringing into our state of those who will contribute most to our community. We must improve our declining fertility rates until they match national trends, and we must halt the exodus of talented South Australians interstate and overseas. We must make working in South Australia easier for parents, and we must respond to the needs, and improve the prospects of, mature aged people. Importantly, we will be working with the federal government and Senator Amanda Vanstone who, as a South Australian, is acutely aware of the important needs of the state. We are already meeting at a bureaucratic level, and I look forward to meeting with the senator in the new year to discuss a number of options.

The Premier outlined one particular option that we want to see worked up, which is the idea of a two-tiered visa system which would encourage people to migrate to, and settle in, South Australia on the proviso that to become a citizen of this nation they must demonstrate a reasonably long period of location in South Australia. I can also advise the house that Business SA is working on a policy. We will be working with Business SA and others to bring about the most comprehensive population policy that this state has seen for a very long time, one which we hope will ensure that future generations of South Australia will experience a growing and larger population than present forecasts indicate.

CITIZENS RIGHT TO INFORMATION CHARTER

Mr CAICA (Colton): Will the Minister for Administrative Services provide the house with an update on the state government's openness and accountability agenda with particular regard to the proactive disclosure of information as promoted by the Citizens Right to Information Charter?

The Hon. J.W. WEATHERILL (Minister for Administrative Services): The Citizens Right to Information Charter is now prominently displayed in every government office and agency. It sits there as a reminder of our commitment to the principles of honesty, openness and accountability in government.

Members interjecting:

The Hon. J.W. WEATHERILL: I know why members opposite like to laugh about these things, but we take this commitment seriously. Members opposite prefer a political process which the community regards with cynicism, because then nothing gets done, and they are happy to muddle around in a mediocre political process. It is not just the government that thinks that this initiative is a good idea; it is in fact—

The Hon. P.F. Conlon interjecting:

The Hon. J.W. WEATHERILL: Exactly. In the words of the Minister for Infrastructure, they are addicted to failure and mediocrity. It is not just the government that thinks that the Citizens Right to Information Charter is important: the Ombudsman has added his support. He says:

> I believe that the significance of the Charter cannot be lightly dismissed as something cynics are wont to do with Charters, and say but it's not law: it's only a set of services principles. However, there is good administrative conduct and not so good or even bad, administrative conduct leading up to legal compliance. . . The Charter will then also help establish a more familiar ground for the general public as users of Freedom of Information, and I think that in the long term should everyone's job in these matters more satisfying and easier to carry out.

That is a ringing endorsement of this important policy initiative. In relation to the openness and accountability agenda, the Ombudsman remarked upon the difficulties contained within the existing FOI Act of both the District Court and the office of the Ombudsman as two external review bodies, which is a matter that he raised for the first time in 1999 and again in 2000. He said that these concerns have not been allayed, despite the fact that he has made representations to the government. The government has actually promoted an amendment to the FOI legislation that would address these concerns.

Unfortunately, due to the attitude of those opposite, we have had the best FOI in the country stalled and not law because of the obstinacy and obstruction of the members opposite. This is a disgraceful set of affairs. Mr Speaker, it is a crucial element of the charter that was entered into between the government and yourself upon our ascending to office. It remains a cause of great disappointment that those opposite will not cooperate with this crucial agenda.

FAMILY AND YOUTH SERVICES

Mr BRINDAL (Unley): How does the minister for community services react to claims that FAYS is philosophically biased against men? Recently, an increasing number of cases is being brought to my attention. I have yet to find one case in which the minister's department has taken the side of the father. It is constantly reported to me that FAYS is biased towards women. Indeed, I learned that in one case a male who was traumatised and needed advice and assistance went to FAYS and asked what he should do. The FAYS social worker is alleged to have said that she did not care and told him 'to go to Crisis Care, because FAYS only dealt with women and children'. I can provide the complete detail of that complaint to the minister privately if she requires.

The Hon. S.W. KEY (Minister for Social Justice): I think that to a certain extent a convenient myth is being circulated at the moment, namely, that the services that are available are available only to women and children. I make it very clear to this house that that is certainly not the

philosophy that I support as the minister, and it is certainly not, as I understand it, the philosophy that is promoted in the portfolios for which I have responsibility. Even the Office for Women does not promote that philosophy. So, I am very concerned to hear that the member has had a constituent complaint of this sort. I see it as being unacceptable and worrying, and I would welcome the details from the honourable member so that I can investigate the matter.

SCHOOLS, REPORT PROGRAM

Dr McFETRIDGE (Morphett): Will the Minister for Education and Children's Services advise the house when the global budget management computer program will be made available to schools? There is a school in my electorate where a complete change in leadership will take place at the start of next year. Budget details need to be finalised this week in order for a smooth transition to take place. Until this happens the finance committee cannot set a global budget for next year. It has prepared as much of the budget as possible from costs available, but it is waiting on the government costs to finalise the budget. The school needed these figures a month ago.

The Hon. P.L. WHITE (Minister for Education and Children's Services): I understand that that information went out to schools last week, or possibly even late the week before, and that further information will go out to schools this week. This is as it is done each year. I think what the honourable member is referring to is the global budget management tool, which goes out every year about this time. I understand that—

The Hon. Dean Brown interjecting:

The Hon. P.L. WHITE: The honourable Deputy Leader of the Opposition interjects. This information went out on, I think, 7 December under the former minister in his last year of office, so members do not have their information correct. Global budget information went out to schools and they know what the salaries per capita are. That is already known by schools, and they were advised when that information went out. It is usually the case also that the extra tools that they need come out and, if they are not out already in schools, I suspect that it will be this week. I do not see that there is a problem at all.

Dr McFETRIDGE: My question is again to the Minister for Education and Children's Services. This question is based on information I received this morning. When will the computer wizard for annual reports be available to schools? I have been informed that the computer program known as the Annual Report Wizard is not currently available to schools in the Morphett electorate and that this will leave them with very little time to complete their annual reports. This program also provides schools with literacy and numeracy report comparisons with previous years to enable to them to analyse the results. Whilst individual literacy and numeracy test results have been made available to students and parents, these test results are yet to be made available to schools in my electorate.

The Hon. P.L. WHITE: I will have to check what the situation is in literacy and numeracy tests. I know that parents have been advised of those results, so I will have to check the detail of that. My previous answer is correct, as I understand it. If the information is not already out in schools, it will be this week.

SOUTHERN CROSS REPLICA

Mr HAMILTON-SMITH (Waite): My question is to the Minister Assisting the Premier in the Arts. Was a Mr Stephen Dines involved in any capacity within the minister's department in selecting the successful tender for the privatised Southern Cross replica aircraft, and was a Mr John Pope associated with the successful HARS tender?

The Hon. J.D. HILL (Minister Assisting the Premier in the Arts): I am really glad to see that the member for Waite is pursuing his interest in this lost cause, along with all the other lost causes he has in his backpack. He has mentioned the names of two individuals. The first of those names, I have heard. That person does not work for the arts department, but I understand he works for the Civil Aviation Safety Authority (CASA), and has given advice in relation to the aircraft, as you would expect from somebody from CASA. I am not aware of that other person's name, but I am happy to get some more detail for the member and bring it back to him.

EPA BOARD

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.D. HILL: Earlier today in Question Time the member for Morialta asked me about a potential conflict of interest of a member of the EPA board. I have sought advise in relation to this. As members would know, the EPA board is a group of highly skilled and very professional people. It is logical that, from time to time, there will be matters to come before the board where one or two of those members may have an interest of some sort. I will give the house an example. A member of the board is involved in the wine and brandy industry and, from time to time, that member of the board could withdraw herself from the room while those issues are dealt with. The EPA does, of course, deal with wine and brandy industry matters from time to time.

Equally, there are other members of the board who have expressed conflicts of interest. There is one member of the board who is a communications consultant, as I understand it. She has some employment with one of the companies associated with the Hensley site. She has made that conflict of interest known to the board and she withdraws, as she should, when that matter is before the board, and does not participate in any of the decision making in relation to that site, as is appropriate.

SELECT COMMITTEE ON THE STATUTES AMENDMENT (CO-MANAGED PARKS) BILL

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That the Select Committee on the Statutes Amendment (Co-managed Parks) Bill have leave to sit during the sitting of the house today.

Motion carried.

SCHOOLS, REPORT PROGRAM

The Hon. P.L. WHITE (Minister for Education and Children's Services): I seek leave to make a ministerial statement.

Leave granted.

The Hon. P.L. WHITE: A couple of moments ago the member for Morphett asked me a question about when a global budget management wizard would be available. My staff have checked and it is currently available; it is up on the website as we speak.

GRIEVANCE DEBATE

FAMILY AND YOUTH SERVICES

Mr BRINDAL (Unley): Before I commence my grievance, I note that today is World AIDS Awareness Day, and I also note that many members on this side of the house are—

The Hon. L. Stevens: It's Friday.

Mr BRINDAL: AIDS Awareness Day, for the benefit of the member opposite, is today. If she wishes to ring the AIDS Council and check; it is today.

The Hon. L. Stevens interjecting:

Mr BRINDAL: Well, I will not take issue with the minister—I will simply bring the fundraising promotion from the AIDS Council to show that it is today. I make that point because the number of AIDS cases in South Australia has gone up by 300 per cent in the last 12 months. It was not a significantly large base that we were starting from, but it is a significant problem across the world. It is not just a South Australian problem: it is a problem in Africa; in South Asia; and it is a problem that needs continuing vigilance by this government as, indeed, it received vigilance from the last government.

I would like to refer, in part, today to a question I asked earlier in the house—and I note that the minister is still here—and to some material that has been provided to me, that I believe has also been provided to the Status of Fatherhood Inquiry. The allegations made in this are quite serious, although the specific names are not mentioned because various courts and section 121 of the Family Law Act do not allow that to be done. Those allegations are of a department—basically, FAYS—which, having decided that there is a particular line of action to be taken, appear to want to take that. I hasten to add that, while the minister bears responsibility in this house for her department, I know the minister to be the sort of person who, if she finds these allegations to be correct or at least worth looking at, will certainly have a look at them because—as the minister said—she has not always been the minister and some of these practices may have occurred well before she was the minister in any case. Notwithstanding that, I am not particularly interested on whose watch they occurred: just that they be fixed.

The number of things contained in this material include the fact that, on the advice of the father, her solicitor came out and reported that the solicitor acting for Crown law had commented, when the Bench asked the reason the department wished to return one of the children to the mother even though she had an extensively documented record of neglect and abuse, that, and I quote: 'The father has been such an irritant to the department.' Hardly, I think, grounds that the minister would approve of for that sort of thing.

The father looked at a tape of his daughter, under the supervision of a court officer, repeatedly being asked questions about her father. The CPS psychologist wrote a 48-page report, in which the Family Court-appointed and FAYS-approved supervisors are described as being 'family and friends who didn't believe in his guilt and therefore less than vigilant in their supervision'. The tape seemed to contain lots of instances where leading questions were asked. This was despite the fact that the inter-agency code of practice for interviewing children and their carers states that leading questions are only permitted when the facts being examined are not open to question, such as the child's name and address. Nevertheless, the head of CPS has testified in the Family Court that, if a child is not giving the answers the interviewer knows to be correct, leading questions are quite acceptable.

One of the people listed as putting together the abovementioned inter-agency code of practice for interviewing children and their carers was none other than the same person (Dr Terry Donald, the head of CPS) who gave contrary evidence. This is very important, because the ability to ask a child leading questions when one thinks one knows the answer is a very small step from putting words into a child's mouth. It is fine if the known facts are the child's name and address. But, if the interviewer believes the child to have been abused and leads the child into saying that they were abused, that is not acceptable either in this state or in any state, or in any civilised nation.

ASBESTOS, NATIONAL AWARENESS DAY

Ms BEDFORD (Florey): National Asbestos Awareness Day was commemorated with a memorial service that was held last Friday, 28 November, in Jack Watkins Park in Kilburn. As today is the building and construction workers' annual Christmas picnic day, I thought it would be a good idea to reflect on the importance of safety for all workers. Members would be aware that asbestos is a mineral rock that is made up of masses of tiny fibres. For many decades, asbestos was mined and widely used in building materials and for insulation, fireproofing and sound absorption. Asbestos fibres can become airborne because they are very fine. Once in the air, the fibres are easily inhaled, swallowed or transported as particles of dust. If they are inhaled they can cause mesothelioma, asbestosis, lung cancer and pleural diseases. These invisible particles then realise their deadly potential and become killers. The effects can take up to 40 years to develop, killing not only the worker but also, more insidiously, their family and loved ones. Asbestos is a national tragedy, and any amount of asbestos exposure is too much. Even a single, short exposure to low levels of airborne fibres may result in asbestos-related disease.

Asbestos has been widely used. Some of the main uses have been insulation, such as pipe lagging, asbestos cement fibro products, fireproofing and brake linings. One in every three houses in Australia built before 1982 has asbestos in it, and thousands of Australian workshops and homes have been built with asbestos-fibro roofs, floors and walls. Public buildings, hospitals, schools, libraries, office blocks and factories have asbestos insulation, airconditioners and ceilings. So, you can see, sir, that the risk is very great not

only in major demolition projects but also in domestic renovation at almost any level.

On Friday, the hundreds of South Australians who have either lost their lives or become ill due to asbestos were honoured by the unveiling by the Premier of a $20 000 memorial at Jack Watkins Park—so named because of Jack's lifelong work in exposing the evils of asbestos and promoting awareness of the problem. The memorial is a joint venture of the UTLC and the Port Adelaide Enfield Council, and it has been generously supported by the state government, WorkCover, unions, law firms, businesses and the local community. Many members of the Asbestos Victims Association were present, including retiring Secretary, Colin Arthur. Appropriately, the memorial is located at the site of the former Islington railway yards, which is infamous for the large number of workers who died of asbestos-related diseases as a result of stripping friable asbestos from railway carriages. It also resulted in the wives and children of the workers dying because the workers carried the dust home on their clothes. Asbestos dust also blew around the area into people's homes and yards.

South Australia has the second highest incidence per capita of asbestos-related diseases in Australia after only Western Australia, home of the notorious Wittenoon asbestos mine. Over the past century, at least 400 workers have died from asbestos exposure, although many who died in the 1930s and 1940s were diagnosed with lung cancer and other diseases because of a lack of awareness of asbestos and its dangers. The number of community members who died is also difficult to measure, but whole families have died of asbestos-related disease in the area. We have tragic examples of grandfathers, fathers and sons who worked in the yards all dying from mesothelioma.

The memorial was developed primarily as a place for reflection and to commemorate the hard work, dedication and mateship shared by those who died. It is in a reclaimed park, and it is now a beautiful place that will be filled by the laughter of children in the years to come. However, it is also a place for people to learn about the dangers of asbestos. According to statistics from the Asbestos Diseases Research Centre in the University of Western Australia, more people are dying from mesothelioma than from cervical cancer. Despite realising the dangers of asbestos in the mid 1980s, prompting a ban on its use and efforts to remove it from society, the rate of mesothelioma notifications is increasing each year because of the late onset of the disease after exposure.

The Asbestos Victims Association, of which I am a proud member, was formed due to the alarming increase of asbestos related disease. Patrons of the association are Premier Mike Rann and the Hon. Nick Xenophon. What started as a small group with about 40 at the first meeting has grown to an enormous association with some 400 members, and unfortunately 90 per cent of those are victims of asbestos. Colin Arthur who also suffers from asbestosis has been the committed Secretary of the AVA since its formation. Colin started out working from home, running the association until the AMWU made some office space and equipment available, and the voluntary organisation's office was established. Colin was committed to ensuring that people understand and acknowledge that asbestos has not gone away and that this progressive irreversible disease is killing people, working people, every year.

The incoming secretary, Mr Terry Miller, himself a sufferer of asbestosis, has an enormous task ahead of him as the number of people diagnosed with asbestos related diseases in Australia is expected to rise over the next 30 years, even though the use of asbestos in Australia has largely been phased out. Asbestos diseases can be prevented but as yet there is no cure. There needs to be increased research into industrial diseases because no-one should have to sacrifice their life to do their job. I would also like to bring to the attention of the house another campaign South Australian workers and the community are being urged to support. It is the campaign to ensure Aboriginal employees receive fair entitlements and are compensated for wages and entitlements stolen from them in the past.

ASBESTOS REMOVAL

The Hon. D.C. KOTZ (Newland): I rise today on an issue which has caused considerable undue hardship, worry and uncertainty for the residents adjacent an asbestos fence at the Aberfoyle Park campus. The fence was removed on the weekend after one of the most extraordinary displays of apathy I have seen from this government, in which the residents were given just four days notice of the removal and were given no information on issues of safety and security for themselves, their families, pets, properties, swimming pools and rainwater tanks. The situation became so bad that, despite my repeated calls to the minister on Friday to explain the situation to those residents—calls which went and still remain unanswered—these residents were forced to examine the issue of forming a human barrier until their cries for information were satisfied. I cannot believe it was left to the contractors on Saturday morning to meet with residents and address those very serious concerns, just three days after the minister said in this house:

> It is a matter of grave concern to this government about the way in which asbestos and the removal of it is handled in our schools.

Residents at Aberfoyle Park did not even know that the fence would be removed until last Tuesday. Some did not even know that the fence contained asbestos. The removal of the fence was obviously causing enough concern to the four schools at the Aberfoyle Park campus, because they closed the school for the weekend, advising families that all children should be kept away from the school grounds. However, the residents, who live just metres away from this dangerous material, were kept in the dark right up to the very minute that the fence was being demolished. These residents had serious concerns about their safety during the removal of the fence, and rightly so. They were worried about the effects of the removal on their families and pets, about contamination of their swimming pools and rainwater tanks, about security of their properties once the fence was removed, and at that time they were told replacement fences would not take place for two to three weeks.

The fence was removed on the weekend. The residents were satisfied with the information they received from the contractors on the morning. The state government, in particular the minister, did absolutely nothing to allay the fears of these residents and provide the information which should have been a simple matter of giving the approval to remove, having given the approval to remove the fence some months ago. For a government which has dragged its heels on the issue of asbestos removal and implementation of recommended improved safety procedures for more than six months, the handling and the timing of this removal was both ill-informed and insensitive. This is the third time this year

the government has bungled the removal of asbestos in South Australian schools.

The drama surrounding asbestos removal at Ascot Park Primary School in the early part of this year was called under review by the current minister. The review recommendations were an extremely damaging and damning report of the methods and lack of safety procedures undertaken by the minister's own department. When I raised this issue in this parliament just last week, the minister advised that those recommendations had been implemented. However, we already know that the Playford Park School had problems with a breach under the safety regulations by the contractor last month. I said at the time that obviously the minister had not put in place those recommendations, because Playford Park School would not have been under the same amount of contempt that it was from the people of the school because of the breach of the safety regulations by the contractor.

I also suggested that the current minister's work list was a disaster waiting to happen, and within 24 hours we have concerns of people at Aberfoyle Park when we have the whole school campus closed down for the weekend, and tennis and sporting facilities were closed because of the possible dangers from the removal of this fencing. Where was the fence? The fence was adjacent to the oval which was a buffer to the school buildings. However, the backyard fence actually belonged to the residents. They were only metres from this asbestos fence. Their kitchens, bedrooms, rainwater tanks and swimming pools were metres from the fence. However, the school had total protection, because it was informed some time ago that all this was about to happen. However, the residents who had this dangerous fence sitting on their fence line were not informed by anyone. In fact, the letter that advised them four days before the removal was a three line letter, containing very little information at all, other than the fact that licensed operators would be in on 29 and 30 November to remove this fence. However, there was not one line talking about what these residents should know about the safety procedures that may effect them when this fence was being removed.

The Hon. R.B. SUCH (Fisher): Firstly, I would like to address the issue touched on by the member for Newland. I wrote to the Minister for Education and Children's Services on 20 November and in less than a week the department had moved to initiate the removal of the asbestos fence, which is surrounding four schools in my electorate. So, I am quite familiar with the issue. I wrote as a result of representation by residents who asked me to take action. I wrote to the minister, and the minister acted within a week. It is to the credit of the minister that she acted so promptly.

Of the four schools, two of them are private, one Catholic and one Uniting, and two state schools, Spence and Heysen. The schools contacted the residents because they gave me a copy of the circular well before the weekend. From memory, it about a three page detail outline of what was going to happen. You cannot have it both ways. If you want the fence removed and you want speedy action, a minister and the department acting within a week is highly commendable. A detailed outline of the procedures to be followed was delivered to me prior to the weekend. No resident contacted me expressing concern that they had not been notified. So, I am not sure who amongst the residents is creating this outcry. I put that in context. We are talking about an asbestos fence, not asbestos within a school building. I am pleased that the fence issue has been dealt with and dealt with expeditiously by the minister. I do not care whether it is a minister in this government, a previous government or whatever, but anyone who acts in that time frame deserves commendation.

I raise the issue of the Keswick rail terminal and the need to provide an integrated facility there. We recently heard one of the councillors of the City of Adelaide suggesting that interstate trains be brought into Adelaide Railway Station. That sadly is not possible. The cost is about $25 million. However, the more important reason is that the interstate trains are so long now that they would not even fit into the facility at Adelaide Railway Station. You would have passengers somewhere near the Adelaide Gaol. I do not know what that would do for the passengers but it certainly would not help them in terms of accessing the platform.

So, sadly, I think the idea of interstate trains being able to access Adelaide Railway Station is no longer a feasible option. The interstate and country bus terminal needs to be integrated with the rail terminal at Keswick in an imaginative way, and suburban buses and the suburban station need to be integrated into that complex as well. The current Keswick passenger rail station (the suburban station) is some distance from the interstate rail terminal, which is very inconvenient. Recently, I have written to the Premier, the Minister for Transport, the Minister for Tourism, the Mayor of the City of Adelaide and the Mayor of the City of West Torrens to ask them to look at expediting a project there.

The land at the interstate rail terminal is in the City of West Torrens, but it would involve the City of Adelaide, because the suburban buses would come in through part of the land in its jurisdiction. I also suggest that part of that project could be an innovative housing development—I am not sure about shops, because I think we have enough shops, but there is no reason not to have an integrated housing project providing low cost housing. I do not see this project as taking away from the backpacker facility in Franklin Street and other areas adjacent to the current bus terminal, because the suburban buses and the linkage from the rail station with what would, hopefully, become a bus route into the city could easily drop backpackers in Franklin Street or anywhere else in the city.

So, I appeal to the Premier to take leadership on this issue. We now have action in relation to the airport at West Beach, and that is great, but a lot of people travel by train. Increasingly, it is becoming popular, as I found out the week before last when I travelled to Sydney. I had an interesting trip, because the Hon. Diana Laidlaw was on the train, and she, Bob Ellis and I made an interesting trio travelling across the Outback.

Time expired.

GOVERNMENT POLICY

Dr McFETRIDGE (Morphett): I spent two hours and 55 minutes in government in this place and I had no time to even get my feet on the ground. I guarantee, Mr Speaker, that it will not be long before I am back over there. But the Labor Party has to realise that they are in government. They seem to be in some sort of denial that you can have the power but not the responsibility. They need to take charge and stop the blame game and say, 'Okay, things are not going quite as well as we might have hoped.' There have been some things in the past that perhaps have not been done quite as well as they might have been done. Nobody is perfect, and I know that some of my colleagues in the former government did not handle situations quite as well as they may have done had I

been here, but that is something that I hope I will make amends for when I am in government. But this government needs to stop the rhetoric and start the action.

I happened to drive past the Grand Hotel on my way home (people know that I live at Glenelg) on Saturday at lunch time, and the Labor Party convention was being held there. Some members were coming out and a large silver fairy came out—and I use the term 'large' in an adult sense, not in any other sense. It came out of the front entrance and I saw that it was one of the Labor Party members. I thought perhaps that is a sign of the times and they really are off with the fairies. They need to take responsibility.

I will give some serious examples of what is going wrong in this state. The social justice policies with which this government came to power really have not been carried out. I will give four examples which show that mental health in this state has been left to its own devices. Staff at one of the hotels in my electorate had to ask a patron to leave. This patron obviously had mental health issues. I do not blame the individual: it is the system that is wrong. This individual had visited this hotel on a number of occasions and at this time was using the poker machines. The trouble was that this person's personal habits were not under control and they would urinate everywhere throughout the hotel—wherever they sat and wherever they walked. Perhaps it was the medication they were on, or the medication they were not taking.

In another case, a bank worker at Glenelg had a person who obviously had mental health problems come in and abuse a teller. The bank officer took this fellow aside into an interview room. The next thing that happened was that she was barricaded in the room with the individual. Through her cool thinking, she was able to use the computer to send an email to the front desk asking for the police to be called, and the police came and took the fellow away. In another case, a young girl, a shop assistant, was by herself in a shop that she had only just purchased, and she was doing her best to run the shop. A man who obviously had health problems came in and she was cornered in the back of the shop and the fellow masturbated in front of her.

One personal event that could have been a tragedy had the individual been as severely affected as some of these other people concerned my wife. As she was walking down Jetty Road at Glenelg, for some reason she stepped into the path of a fellow (I do not know what medication he should have been on, but he was not on his medication) and he gave her an absolute tirade of obscenities and abuse. My wife was very affected by this incident, and it should not have happened. The government needs to put away the rhetoric and get some action in place, not just in the mental health area but also in law and order. We hear about the extra police officers who will come in in the next three or four years, but it should be happening now. It needs to be a priority. Running the economy is about a balanced budget and AAA ratings, but it is also about managing the state. Part of managing the economy is managing the state.

In regard to law and order at the Bay, graffiti is becoming more prevalent. A lady in her mid 70s came to me this morning on behalf of an 83 year old neighbour who had five windows broken on a Saturday night a few weeks ago. She phoned 131444 but was told by the operator that if the police attended all broken window incidents they would have no time to do anything else, and she was left to sit all night waiting until morning when she could alert one of her neighbours who then phoned 131444 and was told to take her neighbour to the police station. This is not good enough. The police should attend. The residents should not be living in fear. This state needs to be run in a careful fashion, but we need to ensure that those people who are not able to look after themselves, if they have mental health problems, are looked after; and, certainly, citizens and the police should be looked after.

Time expired.

ADELAIDE AIRPORT SECURITY

Mr HANNA (Mitchell): Today I address a serious issue. Perhaps in the scheme of things it is not as serious as issues such as the River Murray or electricity prices, but nonetheless it is something which I believe is having a very harmful effect on tourism in South Australia and the relations between the public and figures of authority. I refer to security at Adelaide Airport. Before I relate the story of one of my constituents, I will briefly recount a story about what I experienced earlier this year. I was taking an overnight trip interstate to attend a meeting (as we do sometimes) and, while passing through security, I saw that my cabin baggage had been thrown on the floor by the security attendant. As I went through the sensing device, I said, 'That is my bag down there', and I was then rudely told to wait in a segregated area.

My bag was then searched by a very brusque security attendant and they seized upon a can of shaving cream. I was castigated for carrying such an item. I said that I believed it was okay to carry onto the plane a can of shaving cream. I was told very curtly and rudely that new regulations meant that I was not allowed to do so. I was left to clean up the mess and repack my bag. I asked for a receipt, which triggered a very angry response, and the woman officer concerned said, 'Well, I'll have to go and get the receipt book, then', in a very rude tone. She came back with a receipt book and I asked, 'Would you mind, because I wish to take this complaint further, giving me some identification so that I can refer to you?' and she said, 'Well, I will, but it won't do you any good', and she did, indeed, sign her name on the receipt. The curious thing is that I was able to travel onto the plane, as I later discovered, with a razor blade that I had forgotten to take out of my bag.

So it seemed that there was more danger from threatening the pilots with a can full of foam. Perhaps they thought I was going to fog up the pilot's glasses or spray foam on the windscreen of the aircraft or perhaps threaten to shave myself if they did not turn around the plane. That was disturbing enough, but I wish to recount the story of what happened to one of my constituents. He with many others went in to get a cup of coffee with the friends he was seeing off at Adelaide Airport. He went through the X-ray machine, and he states:

> My mistake was, when they demanded that I remove my shoes, to say, 'I haven't got a gun in my shoe.' And when the operator castigated me, 'You can't say GUN here!!', I told him not be paranoid! This, I was told, earned me an interrogation from the 'Police' and I was duly accosted by a stern-faced armed security guard who questioned me about my views on terrorism and did his best to make me think that I had committed some unpardonable sin. (His question: 'Hadn't you better go away and think about this?' resulted in my asking, 'Think about what!') Worse, he asked me if I had any identification on me, ostensibly he said for my name to go on a list (ie Qantas's private dossier) 'in case you give us more trouble in the future!'. What would have gone into the dossier would have been beyond my control and could have been as detrimental and scathing of me as he liked to make it.
>
> So, there you have it. You do not have to break any of Australia's Federal or State laws to be browbeaten by a stern-faced cop who has been trained to think that commitment to anti-terrorism makes not

only good sense (true) but that one should be prepared to suffer pain and indignity without complaint to demonstrate one's commitment.

It is a disgrace. There are too many people operating at Adelaide Airport in such a heavy handed and rude manner, as if rudeness is going to deter terrorists from passing through the check point. It is an issue for the Minister for Tourism to take up and I trust that airport management will also consider my remarks. It cannot been good for South Australia's image to international or overseas visitors and it cannot been good for the general public's respect for figures of authority if they are treated with such contempt and such lack of good sense.

STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL

Adjourned debate on second reading.

(Continued from 24 September. Page 281.)

The SPEAKER: The question is: that the motion be agreed to. Those of that opinion say aye, to the contrary, no—

The Hon. J.D. HILL: On a point of order, Mr Speaker—

The SPEAKER: I know, but nobody is standing, so they obviously do not have any concern—

Ms CHAPMAN: Sorry, Mr Speaker, I stood, but then the minister stood—

The SPEAKER: Can I invite all honourable members to pay attention. If no-one jumps I will put the question. In all other parliaments in which I have been, if honourable members do not wish to speak they stay seated and the matter is put and passed or voted upon. In any event, if an honourable member wishes to speak what they do is stand. The honourable member for Bragg.

Ms CHAPMAN (Bragg): Thank you, sir. I confirm that I do wish to speak. I also confirm that I was standing and then the minister stood, and, accordingly, I resumed my seat to enable him to make his point, whatever that was to be, and then I heard the words of wisdom from you, sir, as to the opportunity to continue to speak. So, I place that on the record.

This bill was introduced by the Attorney-General in the House of Assembly on 24 September 2003. He indicated in his second reading speech that this bill was to provide the legal framework within which the courts may direct eligible defendants into whatever suitable programs exist at the time and take account of their progress. In doing so it does not create a separate jurisdiction in any court nor confine the authority to make an intervention order to any other court.

In essence, the purpose of this bill is to give statutory backing to what has been colloquially described as diversionary courts. This places the statutory backing to a practice that currently operates within the Magistrates Court, in particular the Drug Court and the Aboriginal or Nunga Court, the Mental Impairment Court and the Domestic Violence Court. The bill in its operation is general and, accordingly, will extend to those courts but also to other programs in all criminal courts.

I note reference again to the Attorney-General's second reading contribution in which he refers to the reference to those other courts. It is important to note that these are not diversionary courts because they do not divert offenders from the courts but simply allow the court in its specialist role to undertake a form of intervention in lieu of the conventional punishment, such as imprisonment. It is fair to say that this practice was established during the lifetime of the previous government at a time when the former attorney-general, the Hon. Trevor Griffin, was in that position.

The manner in which this bill authorises intervention programs is effectively through the granting of bail under the Bail Act on conditions that require the offender to submit to such assessment and intervention program as is specified. The effect of the bill, therefore, is that the Bail Act is then amended to specifically authorise, for the purposes of formalising in a statutory way, this practice. The Bail Act is amended to specifically authorise the granting of bail on condition relating to undergoing assessment and intervention. This includes treatment and rehabilitation designed to address behavioural problems, substance abuse or mental impairment.

It should be noted that the person granted bail on this basis must consent to the terms, and that is a condition of all the Bail Act provisions and is no less relevant and applicable in this case, the process being that, in the event that they do not consent, they are dealt with and treated in the ordinary way as though they were any other offender being dealt with by the court. In relation to the specific courts as they apply, in respect of Aboriginal defendants, a special scheme relating to the sentencing of Aboriginal offenders is inserted in the Criminal Law (Sentencing) Act.

The element of the scheme are, essentially, that before sentencing an Aboriginal defendant a court may convene a sentencing conference and may take into account the views expressed at that conference. Also, a sentencing conference must be attended by the defendant and his or her legal representative, the prosecutor and the victim, provided the victim is willing to attend. The court may allow others, including an Aboriginal elder, family member and/or counsellor to attend. The definition of 'Aboriginal' includes 'a person who regards him or herself as an Aboriginal and is of Aboriginal descent and is accepted by the Aboriginal community.' This definition is cumulative of those three things for a person to be recognised as Aboriginal under the act. From time to time, this definition has come under some criticism, but it is used in other legislation and, of course, it is important for the purpose of eligibility for the term 'Aboriginal' to be clearly defined in this act.

The bill gives the court the power to defer a sentence for the purpose of rehabilitation. It provides statutory authorisation of the so-called 'Griffith remands' under which a court (on a finding of guilt) may remand the offender on bail for up to 12 months to allow participation in a rehabilitation program. So, the effect of this is to enable the deferral of any sentence to provide an opportunity for rehabilitation. It is in this respect that I think the reference to a diversionary court has arisen, and this practice will now be provided in the bill. The process relating to mental impairment is that, first, if a court finds a defendant who is mentally impaired guilty of an offence which carries a maximum penalty of two years or less, the court may release the defendant without recording a conviction if the defendant is participating in an intervention program; secondly, before a charge is determined, the court may dismiss the charge and release a defendant who is participating in an intervention program; and, thirdly, the court may release a defendant on a bond to participate in or complete an intervention program.

The bill also creates positions of case manager and intervention program manager with responsibilities to oversee intervention programs and report back to the sentencing tribunals. Regarding the suppression of reports, the bill makes provision specifically to prohibit public access to reports

prepared for the assessment of a person's eligibility for participation in an intervention program. This process, which will receive legislative endorsement if passed in this house and the other place, will formalise a practice which was established under the former Liberal government. I think it is fair to say that these initiatives were seen as positive at the time. The Drug Court has been widely applauded in the parliament. This government has endorsed that court by providing ongoing funding as part of its response to the Drugs Summit.

I think it is fair to say that, regarding the Aboriginal or Nunga Court, anecdotally at least there seems to have been a positive response in terms of the attendance of defendants. This is an important aspect when dealing with members of the Aboriginal community who are required to attend court. The lack of response to attending court, as you might appreciate, Mr Speaker, attracts further wrath and penalty, and often the situation arises of a warrant being issued with further difficulties arising and there is less and less incentive for the defendant to turn up at court. The Aboriginal or Nunga Court has had the effect of encouraging defendants to attend in the first instance to have their matter dealt with, and this must be a very positive outcome of the program.

Notwithstanding the anecdotal evidence and members of the media who have said that this will be a good program and that it will have some positive benefit, there has been little in the way of an independent or objective evaluation of this alternative process. It is important to acknowledge that, that having been said, the concept of providing special procedures to accommodate people whose offending is related to drug addiction or mental impairment should be supported. Without again going into questions of whether certain groups in the community should attract the special privilege of being able to take advantage of an alternative proposal or at least a delay in the sentence—

The Hon. M.J. Atkinson: Surely all privilege is special.

Ms CHAPMAN: So, we don't need to go into that again. I think it is fair to say that, given the history to date, the Liberal Party supports the formalisation of this program which was initiated by the former Liberal government. However, it is important that there be an independent evaluation of each program of rehabilitation established under the supervision of an intervention program manager. We should also require the tabling in each house of the reports detailing the results of such evaluation. How quickly that can be achieved in practical terms probably means that at least a year would be necessary. So, I advise the house that the opposition will table amendments to this bill to require both of those things. First, we will move an amendment to provide for some independent evaluation of whether these programs have worked. If they have worked, it is a question of whether they can be expanded into other areas. If they have not worked, we need to look carefully at how they are dealt with or used in the future, whether in the same format or at all.

We must do that. It is not sufficient to coast along with this because it may be a good idea. Public funds are being allocated to it, so it is important to look carefully at the assessment of it. What is really necessary is an evaluation of whether the programs are working and not just whether people are turning up to the court, although there seems to have been some improvement in that regard. As a prerequisite to being able to go through this process, there must be a plea of guilty, and the defendant must have attended the program and responded positively to it. If there has been a lapse, that may be evidenced in a number of ways, not the least of which is that they turn up in the court system again facing another and subsequent offence which they may have committed from lapsing back into the use of drugs, or they may have engaged in some other form of criminal activity which attracts the attention of the police and the courts.

Regarding the amount of time required for the tabling of this report to the houses of parliament so that we might consider the future implementation or continuation of this program, the Liberal opposition will suggest that 30 June 2005 would be sufficient time in which to enable that to occur. Effectively, it would give about 18 months for that to be undertaken and to be able then to be relied upon for the purposes of future assessment.

The bill has the support of the Liberal opposition. I understand that the request has gone in only today for the preparation of the amendments to the bill, in line with the requirement of the independent evaluation and that that evaluation be tabled by 30 June 2005. However, they have not yet transpired, and I simply advise the house, and the Attorney in particular, that they are on their way.

However, this afternoon I have received a schedule of amendments from the Attorney-General, which he has indicated relate to some amendments which, to quote him accurately, were somewhat technical amendments. During the course of the grievance debate this afternoon, I have looked at those amendments and have conferred briefly with the shadow attorney-general as the spokesperson for the Liberal party.

On a cursory assessment of what has been presented, it seems that they are far from being technical. However, what I would request of the government is that, during the course of his response to this bill, the Attorney provide the house with some explanation as to the basis upon which these nine amendments are put. If the Attorney is willing to do that, I will diligently note the amendments and take them to the Liberal party meeting tomorrow morning. This would enable us to confer with our colleagues. It may well be that all these amendments will have the support of the opposition, but it was simply insufficient notice for us to deal with them in the last half an hour, or to be able to convene our party during the course of the parliament sitting. So, I ask the Attorney-General to give some attention to this in his response today.

In the circumstances, I also ask him to agree to the adjournment of further debate on this matter perhaps until later this week, when we are in committee. The matter could then be dealt with in the upper house. I do not imagine that this bill will take a lot of time otherwise. If these are technical amendments, as is asserted by the Attorney, then I am sure that they will not take very long; however, on the face of it, they are not. We will need to consider a couple of these matters, at least, in the party room with some careful deliberation.

I ask the Attorney-General to undertake the conduct of the program of this debate on that basis. With notice of those matters, that concludes my contribution.

Mr HAMILTON-SMITH (Waite): I want to contribute briefly to this debate, because it is a matter of great importance in the area of drug rehabilitation. Some years ago, I chaired the select committee on a heroin drug rehabilitation trial. It was a most daunting select committee, and I note that you served on that committee, Mr Acting Speaker. You will recall that one of the key recommendations was that the government look to a drug court along the model set in New South Wales. Subsequently, the former government, through

the Magistrates Court, introduced a form of drug court, albeit a less expensive one than that established in New South Wales.

I concur with the remarks made by my colleague the member for Bragg. I will support the bill, but I will look at the amendments. However, the general point I want to make is that I want to express my caution to the current Attorney-General and to the current government about such programs, drug courts, intervention programs and some of the sentencing procedures that accompany them.

The caution that I want to express is that an enormous amount of taxpayers' money can be expended in creating legal devices, courts and instruments through which to manage drug offenders. During my period as chair of the heroin rehabilitation trial select committee, it was my observation that the legal community put forward some very cogent arguments in favour of drug courts but that those involved in education and rehabilitation also put forward very cogent arguments in favour of funding for their programs.

The point I want to make in regard to this bill, and other bills that deal with the issue of intervention programs, and particularly drug courts, is that there needs to be some balance. We can invest millions of dollars in drug courts and intervention programs providing legal solutions to the problem of drugs, but in so doing we can divert funding from other equally important areas. If it came down to spending $10 million or $20 million on drug courts, or $10 million or $20 million on rehabilitation programs, I would favour the rehabilitation programs ahead of the drug courts.

When it comes to allocating scant resources, we need to find the right balance. We can have all the diversion programs in the world but, with problems such as drug addiction (which, characteristically, involves recidivism and sees offenders appearing again and again), we have to ensure that the main goal is always to get the person off drugs, into a rehabilitation program and on the road to recovery.

So, in supporting these measures put forward by the government, I want to sound that note of caution. I want to ensure that we do not tie up millions of dollars of taxpayers' money in creating special courts and legislative arrangements—special magistrates courts and so on—so that we are seen to be doing something, whilst we divert funds away from education and rehabilitation. I support the measure and look forward to the committee stage.

The Hon. M.J. ATKINSON (Attorney-General): I thank the members for Bragg and Waite for participating in the debate. I foreshadow some government amendments to the bill that were on file today. The amendments are a result of responses to the bill since its introduction in parliament. One amendment will expand the definition of an Aboriginal family to include relationships that exist by kinship observances as well as by kinship rules.

Another amendment will say that a person who undertakes intervention may be given credit in sentence for their progress and, conversely, that poor performance or failure to make progress in a program will not be held against a defendant in sentence. The next amendment will say that it is not relevant to sentence that a person did not have the opportunity to undertake an intervention program.

Another amendment will allow a court to defer sentence for more than 12 months if satisfied, first, that the defendant has, by participation or agreement to participate in an intervention program, showed a commitment to deal with the vices out of which his or her offending arose. Secondly, the court would have to be satisfied that if proceedings—

Ms Chapman: How do they do that? How do they demonstrate a commitment?

The Hon. M.J. ATKINSON: That is a matter for the court to judge. secondly, the court would have to be satisfied that, if proceedings were not further adjourned, the defendant could not complete or participate in the program, and his or her rehabilitation would be prejudiced. A technical amendment will substitute a requirement for an undertaking instead of a bond in the provision that allows the court to deal with mentally impaired defendants who undertake intervention before a finding of guilt, so that the defendant must return to the court for it to determine charges when he or she has completed or failed to complete a program.

The last amendment will ensure that general access is restricted not only to reports prepared to assist the court to determine eligibility for intervention but also to reports prepared to assist the court in determining a person's progress in an intervention program within the meaning of both the Bail Act and the Criminal Law Sentencing Act. The opposition has foreshadowed amendments to the bill to require intervention programs to be evaluated by 30 June 2005. I would point out to the member for Bragg that the bill is not about a particular program: it is about court powers. It does not set up individual programs and, for this reason, I would prefer that any evaluation of individual programs be done administratively and not by amendment to the legislation.

Ms Chapman interjecting:

The Hon. M.J. ATKINSON: These programs are being continuously evaluated by the steering committees in charge of them.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: I did not quite hear the member for Heysen.

The ACTING SPEAKER (Snelling): Order! There is an opportunity in the committee stage for questions.

The Hon. M.J. ATKINSON: I think the member for Heysen cast a foul calumny on me, but I did not quite catch it. I commend the bill to the house.

Bill read a second time.

In committee.

Clause 1.

Mr HAMILTON-SMITH: I will take this opportunity to ask a general question about the bill. I note from the minister's second reading explanation that he points out to the house that the bill essentially deals with three programs used by the court at present: the Drug Court program; the Magistrate's Court diversion program, dealing with medical impairment; and the violence intervention program. It is really the Drug Court program within the Magistrate's Court that I am interested in. I know we are essentially formalising in a legislative sense practices which already exist, but is there anything in the bill that will add costs to the taxpayer with respect to the way the Drug Court presently operates? The thrust of the question is whether there is a cost to the bill in regard to the Drug Court programs.

The Hon. M.J. ATKINSON: The bill is to give a legislative framework to what these courts already do. That is its only purpose. The bill has no cost implications for courts or departments, and it does not extend or promote the extension of current programs to courts to which they are not already attached. That can happen only by joint departmental and judicial agreement. Any costs in educating court or

departmental personnel about the new legislation will be small, given that the bill reflects current practice.

Mr HAMILTON-SMITH: Following on from that answer, if the minister has the information available, what is the per annum cost to government of the Drug Court program at present?

The Hon. M.J. ATKINSON: I will take that one on notice, and I will get back to the member before we have gone much further.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

Ms CHAPMAN: An 'intervention program manager' means a person employed by the South Australian Courts Administrative Authority to have the general oversight, etc., of the program. How many of them are proposed to be employed, and what qualifications or experience are they to have for the purpose of undertaking this position?

The Hon. M.J. ATKINSON: We have just one intervention program manager, that is Sue Dusmahomed, who has a Master of Health Services Management and a Bachelor of Nursing Studies. Ms Dusmahomed has working under her a staff of psychologists, drug addiction experts and social workers. The psychologists are principally for the mental impairment program, the drug addiction experts are obviously for the Drug Court and social workers are in all three programs, I think.

Ms CHAPMAN: Is it proposed that any other personnel will be taken on to undertake these roles?

The Hon. M.J. ATKINSON: Not owing to this bill.

Clause passed.

Clauses 5 and 6 passed.

Clause 7.

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

Clause 7, page 7, line 7—
After "rules" insert:
and observances

In consultation, the Law Society suggested that the terms 'rules of kinship' in the definition of family in proposed section 9C(5) of the Criminal Law Sentencing Act unnecessarily restricts the definition. The bill presently provides that Aboriginal or Torres Strait Islander kinship rules will govern whether a person will be held to be related to the accused. I accept that some Aboriginal communities are bound by kinship observances rather than, or as well as, rules and—with the permission of the committee—I propose to alter the definition to include such observances.

Ms CHAPMAN: It may be of no import in due course, but I place on record my concern that any of these amendments proceed at such late notice without the opportunity for them to be discussed by the opposition. It may well be that this is one that falls into the category of there being no objection or, indeed, support for an extension of this definition.

But my question to the Attorney is: does the inclusion of the phrase 'and observances' apply in any other act in South Australia in relation to family definition of Aboriginals?

The Hon. M.J. ATKINSON: No.

Amendment carried; clause as amended passed.

New clause 7A.

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

After clause 7 insert:
7A—Amendment of section 10—Matters to which a sentencing court should have regard
Section 10—after subsection (3) insert:
(4) If a defendant has participated in an intervention program, a court may treat the defendant's participation in the program, and the defendant's achievements in the program, as relevant to sentence.
(5) However, the fact that a defendant—
(a) has not participated in, or has not had the opportunity to participate in, an intervention program; or
(b) has performed badly in, or has failed to make satisfactory progress in, such a program,
is not relevant to sentence.

After the bill was introduced, the Chief Justice and the Law Society asked some questions about how the bill treats sentence credit for intervention. The Chief Justice made the point that unless it was clear that an accused who undertakes an intervention program is entitled to credit for this in sentence, it may not be worthwhile defendants undertaking intervention programs. Equally, of course, it is important not to deter people from undertaking intervention by penalising them for failure to complete a program. The Chief Justice also thought that the lack of specific provision for sentence credit for participation in the program may give rise to challenges to disparate sentences given to co-offenders, or to different offenders charged with like offences, on the basis of participation. The law is that where sentences given to co-offenders, or to different offenders charged with like offences, differ markedly, although within the proper sentence range for the offence, courts may intervene to reduce the higher sentence if they consider that the disparity between the sentences gives an appearance of injustice, and is a legitimate cause of grievance to one of the offenders.

The Chief Justice and the Law Society also questioned whether—unless the bill says otherwise—defendants may claim that not having the opportunity to participate in a program has deprived them of the ability to demonstrate an attempt at rehabilitation, and they say it is unfair for an equally culpable co-offender who has had this opportunity to have a lower sentence, and may ask the sentencing court to take the defendant's lack of opportunity into account, presumably in the defendant's favour. I do not think section 10 of the Criminal Law Sentencing Act, in requiring a sentencing court to take into account a defendant's attempts at rehabilitation, allows that court to take into account a lack of opportunity to attempt rehabilitation. I think it would be helpful for the bill to reinforce this in the case of participation in intervention programs to prevent futile applications to the court.

To deal with all these questions, I introduce an amendment to the bill to say that a person's participation and achievements in an intervention program may be treated as relevant to sentence, and to say that it is not relevant to sentence that an accused has not had the opportunity to participate in a program, or has not participated in a program, or has not completed or made progress in a program, or has performed badly in a program. These provisions do not, and are not intended to, change sentencing principles about the weight to be given to the rehabilitation of offenders. It is a case of carrot: not stick.

Ms CHAPMAN: Again, I place on the record my concern that this matter should be dealt with this afternoon and not after consideration by the opposition, notwithstanding the weight of wisdom this amendment comes with from the Chief Justice and the Law Society and their consideration of the importance of having this amendment.

On the face of it, it would seem to raise more than just a carrot rather than a stick, as the Attorney presents. It seems

that whilst it will, understandably, give some benefit to the defendant if there has been a positive participation, if someone were not able to have access to a program because the facility was not available at the location in which they resided, for example, then they should not be prejudiced by that.

But I pose the question: why on earth would it not be relevant in any subsequent sentencing if someone, indeed, had performed badly—to use the wording of this amendment—or had failed to make any satisfactory progress, however this is to be defined? It seems to me that in these circumstances the defendants are being offered an opportunity, having pleaded guilty, to undertake a program or course of rehabilitation as distinct from being sentenced in the usual way. And they have this 12 month period, although it seems that there is going to be some other adjustment to the time frame if these foreshadowed amendments are passed. Nevertheless, they are able to opt out of the system, and they are given a benefit for the special circumstances that they present to the court—that is, their Aboriginality, their addiction or drug dependency, their mental impairment or the fragility of their mental stability—and they are given that opportunity. But I believe that it is important, for the purposes of sentencing, that all these matters are able to be taken into account and this is really a legislative intervention into the exclusion to operate in relation to the sentencing principles.

So, I think that it probably does go much further than what the Attorney presents, but we will need to thoroughly examine that, and I place my comments on the record.

The Hon. M.J. ATKINSON: The Sentencing Act allows credit for rehabilitation: if there is none, then no credit is given. A failure to rehabilitate is not something that increases sentence. I am surprised by how swiftly the Liberal opposition has abandoned the redoubts of the Liberal government. The member for Bragg should know that these intervention programs were established by the Liberal government not so long ago. The new Labor government has inherited them, given them proper recurrent funding, and now all we propose to do is to write into law the practices by which these courts operate. Yet the Liberal opposition rakes over these practices as if they had no responsibility for them.

New clause inserted.

Clause 8.

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

Page 7, lines 25 and 26—

Delete subsection (2) and substitute:

(2) As a general rule, proceedings may not be adjourned under this section (whether by a single adjournment or a series of adjournments) for more than 12 months from the date of the finding of guilt (the usual maximum).

(2a) A court may adjourn proceedings for a period exceeding the usual maximum if the defendant is, or will be, participating in an intervention program and the court is satisfied that—

(a) the defendant has, by participating in, or agreeing to participate in, the intervention program, demonstrated a commitment to addressing the problems out of which his or her offending arose; and

(b) if the proceedings were not adjourned for such a period—

(i) the defendant would be prevented from completing, or participating in, the intervention program; and

(ii) the defendant's rehabilitation would be prejudiced.

(2b) In considering whether to adjourn proceedings for a period exceeding the usual maximum, a court is not bound by the rules of evidence and may (in particular) inform itself on the basis of a written or oral report from a person who may be in a position to provide relevant information.

(2c) A person who provides information to the court by way of a written or oral report is liable to be cross-examined on any of the matters contained in the report.

(2d) If a statement of fact or opinion in a report is challenged by the prosecutor or the defendant, the court must disregard the fact or opinion unless it is substantiated on oath.

Mr Newman SM and the courts diversion manager suggested that the bill should allow a court to defer a sentence for longer than 12 months (that is the 12 months that is now allowed), because drug intervention, unlike other forms of intervention, occurs only after a finding of guilt. Deferral of sentence is routine, but many drug intervention programs take longer than 12 months. It is not an option for this bill to allow courts directing a person to undertake intervention to impose and suspend an initial sentence at the time of that direction and then to determine a final sentence upon completion of the program, as happens in some other Australian jurisdictions in the states with drug court legislation—I refer to New South Wales, Queensland and Victoria. Sentence is not deferred and there is, therefore, no need for a Griffiths remand. Sentence is imposed when the program starts and, effectively, suspended until the program is terminated, when it is reconsidered.

Our Drug Court does not operate like that. The bill does not set out to change how existing programs operate. Instead, I have prepared, and now introduce, an amendment to clause 8 of the bill to allow a court to defer sentence for more than 12 months if satisfied that the accused has, by participation or agreement to participate in an intervention program, shown a commitment to deal with the problems out of which his or her offending arose, and if satisfied that, if proceedings were not further adjourned, the defendant could not complete or participate in the program and his or her rehabilitation would be prejudiced. The amendment will apply to any program, not just the drug intervention program, although at present it is relevant to that program only.

Ms CHAPMAN: Again, because of the relatively short notice, I am not quite sure that I clearly understand the situation as explained by the Attorney. I understand at the moment that, under the current practice, there is of course power to extend the time period, and that can be exercised. How does this change the current practice?

The Hon. M.J. ATKINSON: Griffiths remand is judge made law, and it is usual for the judges to put a 12-month cap on a Griffiths remand. We are just amending the common law by bringing in this amendment.

Amendment carried.

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

Page 8, line 29—

Delete 'a bond' and substitute:

an undertaking

These amendments are to correct a technical defect in the bill. Subclauses 8(2) and (3) are designed to allow a court, before determining questions of guilt or innocence, to do one of two things if a mentally impaired accused is already undertaking an intervention program. One is to dismiss the charge, if some other important prerequisites are met. The other is to keep the charge on foot, but require the accused to come back to court upon completion of the program, or failure to complete the program, so that the court can finally determine the charge. The bill achieves the second alternative by way of a bond. But a bond may not be imposed unless it is pursuant to the sentence of a court under section 3 of the

Criminal Law (Sentencing) Act, and the second alternative contemplated by the bill occurs before sentence. In this amendment, an accused undertakes to the court to return upon completion of or failure to complete an intervention program. It is no bond. The amendment also makes it plain that this accused must undertake to return to court upon failure to complete a program, regardless of the reason. The amendment to clause 9 is consequential, because that clause refers to the bond referred to in the previous clause. The amendment substitutes 'undertaking' for 'bond'.

Amendment carried.

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

Page 8, line 34—
Delete ', without good reason,'

I do not think that I need say anything further. I merely commend the amendment to the house.

Amendment carried.

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

Page 9, line 2—
Delete 'a bond' and substitute:
an undertaking

Amendment carried; clause as amended passed.

Clauses 9 and 10 passed.

Clause 11.

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

Page 10, lines 29-32—
Delete paragraph (fa) and substitute:
(fa) a report prepared to assist the court in determining a person's eligibility for, or progress in, an intervention program (within the meaning of the Bail Act 1985 or the Criminal Law (Sentencing) Act 1988).

These are amendments to clauses 11, 12 and 13. Mr Newman SM of the Magistrates Court noticed that the amendments to the Supreme Court Act, District Court Act and Magistrates Court Act to restrict access to assessment reports about intervention tendered in court were incomplete. Mr Newman pointed out that they should refer to reports prepared in connection with intervention programs to which a person has been directed under the Bail Act as well as to those to which he or she has been directed under the Criminal Law (Sentencing) Act. Magistrate Newman suggested that they should also refer to any report prepared in connection with an order of the court directing a person for assessment or to undertake an intervention program, not just the initial assessment report. I agree with his suggestions, and now introduce amendments to clauses 11, 12 and 13 to this effect.

Amendment carried.

Mr HAMILTON-SMITH: The Premier announced after the Drugs Summit that the Minister for Health would be the lead minister on matters to do with implementing the recommendations of the Drugs Summit. Of course, some of those recommendations have to do with the matter before us today in this bill. I seek the minister's guidance as to what role the Minister for Health will play in regard to implementation of this bill and the provisions within it. It might have been more appropriate for the Premier himself to have prime carriage of the whole issue of drug action plans, to do with intervention programs, health, education, etc. It seems that the Minister for Health is the lead minister. Has all this gone through the Minister for Health? Is she in some way the senior minister on this? Has she had a role in developing these amendments and this bill? Will there be an ongoing role in it for the Minister for Health, given that she has prime carriage of the matter in regard to drug intervention programs?

The Hon. M.J. ATKINSON: Yes, the Minister for Health knows all about it. The minister will be represented on the departmental committees that help run the program, and review it and evaluate it. The services that make the programs work are provided by her department.

Mr HAMILTON-SMITH: When it comes to arguing for the money to support the provisions under this bill and this clause, will it not be difficult for the Attorney to argue for the money to support the bill from the budget, given that it has to go through or somehow be channelled through the Minister for Health? The Minister for Health, the Minister for Education, the Attorney-General and some other ministers, perhaps the Minister for Social Inclusion, will be after that pot of gold to support drug rehabilitation programs within their respective fields. I am concerned that what we might be doing in passing this bill is setting up a conflict of some kind between ministers who might be competing for funding. Would it not be easier if the Treasurer or the Premier had prime carriage so that each minister could put forward their argument for a slice of money and be given it on their merits?

The Hon. M.J. ATKINSON: I said in my second reading speech that these are joint agency programs involving teams of professionals operating under different regimes. An interdepartmental senior executive group will be established to coordinate and oversee the service delivery and funding of the various programs, to make formal partnering agreements between the justice and human services portfolio, and to monitor unmet need to inform future government funding of court diversion programs. If programs are proposed to be expanded or new ones developed, there may need to be a review of the current memorandum of understanding between the Department of Human Services, the Attorney-General's Department, the courts, the police and the Department of Correctional Services. However, it is premature to review it now. I know that the member for Waite had a brief experience as a minister for about three months. I suppose he was traumatised by the fratricidal conflict within that cabinet which involved ministers going to the media to undermine colleagues and to complain. I remember the then minister of human services, the now Deputy Leader of the Opposition, leaking cabinet material and budget deliberations to criticise the—

Members interjecting:

The ACTING CHAIRMAN (Mr Snelling): Order!

The Hon. M.J. ATKINSON: —then Premier for not giving his portfolio enough money. Indeed, there will be an announcement about that.

Mrs REDMOND: I rise on a point of order, Mr Acting Chairman. I question the relevance of the Attorney's remarks. I doubt whether they have anything to do with the bill before the house.

The ACTING CHAIRMAN: Order! I uphold the point of order. I ask the Attorney to return to the clause.

The Hon. M.J. ATKINSON: Sir, I do not think that you have been here long, but the relevance is obvious, that is, that the member for Waite asked me whether there would be conflict between ministers in the intervention programs. I am pointing out that, although that was his experience when he was briefly a minister and a—

Members interjecting:

The Hon. M.J. ATKINSON: Martin of 99 days, I think—something like that.

Mr Koutsantonis interjecting:

The ACTING CHAIRMAN: Order!

The Hon. M.J. ATKINSON: Those kinds of fratricidal conflicts do not occur under the current government. We have not been in for long enough. I heard the member for Heysen's vindictive remark. I just hoped that she would behave herself better when she is in the house. I am proud of the institutions for which I have worked, most notably *The Advertiser*.

Clause as amended passed.

Clause 12.

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

Page 11, lines 4 to 7—
Delete paragraph (fa) and substitute:
(fa) a report prepared to assist the Court in determining a person's eligibility for, or progress in, an intervention program (within the meaning of the Bail Act 1985 or the Criminal Law (Sentencing) Act 1988).

Amendment carried; clause as amended passed.

Clause 13.

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

Page 11, lines 11 to 14—
Delete paragraph (fa) and substitute:
(fa) a report prepared to assist the court in determining a person's eligibility for, or progress in, an intervention program (within the meaning of the Bail Act 1985 or the Criminal Law (Sentencing) Act 1988).

Amendment carried; clause as amended passed.

New schedule.

Ms CHAPMAN: I move:

After clause 13 insert:
Schedule 1—Review of intervention programs implemented in 2004
1—Review of intervention programs implemented in 2004
(1) The Minister must, as soon as practicable after 1 January 2005, appoint an independent person to carry out an investigation and review concerning the value and effectiveness of each intervention program (within the meaning of the Bail Act 1985 or the Criminal Law (Sentencing) Act 1988) implemented between 1 January 2004 and 1 January 2005.
(2) The person appointed by the Minister under subsection (1) must present to the Minister a report on the outcome of the investigation and review no later than 30 June 2005.
(3) The Minister must, as soon as practicable after receipt of the report under this section, cause a copy of the report to be laid before both Houses of Parliament.

For the sake of tightening up the amendment, 'as soon as practicable' perhaps ought to have a defined period of days. As indicated, the amendment has been rather hastily prepared. That is no reflection on the parliamentary draftsmen, who have attended to this matter in the very short time that they have been given, but we may need to look at that.

In his comment the Attorney-General made it quite clear that he does not see this as necessary. In commenting during the course of this debate I think he took the view that it was sufficient for there to be an administrative review—I assume by way of some internal process of the department—from time to time, whatever standard that might involve. The reality in this case is that today the government is asking for the parliament's endorsement of a program which has been operational and which I think it is fair to say to date has not highlighted any major flaw in the sense of some debacle or disgrace or act carried out in a manner overtly or obviously damaging or destructive to the whole process of rehabilitation or, indeed, sentencing. That is not the point. The point is that we are being asked to give legislative endorsement to a practice without there having been any review at all that has been reported to parliament for its consideration.

The Attorney may take the view that it has not been operational for a sufficiently long time to enable an effective assessment, and it may be premature to start making that assessment straight away or in the course of, say, the last six months to enable this to be considered by the parliament today, and that argument would probably have some merit. There is not much point in assessing a program too prematurely for fear that there may not be sufficient data or statistics to justify any comprehensive assessment and therefore the program may fail. So, there is always a case against assessing something too early. But, if we are to conduct an assessment effectively in the first six months of 2005, the program will have been operational for some years and there would be sufficient data, I suggest, for that to be undertaken.

What is important is not that there be some internal review for the purposes of an officer in the department ultimately putting up a report to the minister saying, 'This is a good idea; let's continue it.' What is important is that this parliament review it, because we are the ones who are being asked to endorse in a budget each year a considerable amount of funding for the diversionary processes within these courts, that is, the alternative rehabilitative processes. So, it is always important, when this parliament is asked to give that endorsement, that we also have the material before us to properly review it. So I suggest that it is totally inadequate if it is the Attorney's intention to simply have some kind of regular internal review. The parliament must know, and is entitled to know, about this, and we have a responsibility to have that material before us so that we may be properly informed to ensure that we make correct decisions.

As I pointed out previously, it may well be that the current program could be expanded into other areas. It may turn out that the evaluation suggests that it is so successful that there are, indeed, other areas in which it could be implemented or, in the alternative, that programs within the three main areas (and there some other programs but three main areas) be substantially increased, so we need to look at that properly for the purposes of that assessment. I think that it would also be helpful, from the point of view of looking at the amount of funding that is allocated to programs, for government to have that information but, most importantly, we are being asked to give legislative endorsement to a practice which, it is fair to say, is in a trial process in that sense. We are being asked to give the legislative endorsement and we are prepared to give it, but we seek to have a process review. I think it is appropriate for the Attorney to place clearly on the record if he has any objection to this course of action and why he has that objection, and he should properly explain that to the parliament.

I make some other comment in relation to this to the extent that I noticed at the weekend, as reported by *The Advertiser* (the former employer of the Attorney-General) that, according to *The Advertiser* at least, there had been some lively debate in relation to law and order issues, not the least of which was the question of the independence of the department of public prosecutions. It is interesting to note—and I do not know whether or not this is accurate—that the article reports:

Members of Labor's right (Mr Atkinson's own faction) spoke out strongly against another justice motion proposing the introduction of restorative justice—

The Hon. M.J. ATKINSON: Mr Acting Chairman, I rise on a point of order.

The ACTING CHAIRMAN (Mr Snelling): I am listening closely to the member for Bragg. I hope that she is going to explain what this has to do with her amendment, imminently.

Ms CHAPMAN: I am happy to do that, sir. If you listen to the next sentence, which I quote, it states:

> This would entail adult offenders being confronted by victims as part of the rehabilitation process.

And you will note, Mr Acting Chairman, reference to the conferencing processes which are in this bill and those programs, indeed, have offenders in courses. It went on to state that the motion was replaced by a milder version, calling the government to explore the issue. I simply note that, because it seems that this government has not actually introduced any restorative justice principles—none at all—so perhaps even the people who attended the Labor Party conference will be bitterly disappointed, because this is a practice which was introduced by the previous government and which been operating. It is simply not an initiative of this government and is not in anything like the category of restorative justice principles. Indeed, all it really does is confirm the current practice, as I have said, and create a new position in the bureaucracy. So, I simply place on the record what the real situation is and highlight the importance, in giving this legislative framework to the existing practice, of parliament's having a very clear assessment before it in report form. If accepted, this amendment will enable the parliament to be properly briefed when we review this matter in 2005.

The Hon. M.J. ATKINSON: It is true that this government inherited these programs, but it was at a time when the Drug Court was going to fall over, because the Liberal government had left it with no recurrent funding. The experiment was over, and it was Labor that gave the Drug Court recurrent funding—$1.750 million in recurrent funding, and I will tell the committee how that was made up. There was $370 000 for the Courts Administration Authority, $600 000 for the Department of Correctional Services, $510 000 for the Department of Human Services, and $300 000 for the Attorney-General's Department. That is annual funding. No provision was made in forward estimates for this program by the previous Liberal government. The time would have been up for the Drug Court if the Hon. Rob Kerin had formed a government after 9 February.

The intervention courts are not about confrontation between victims and offenders or alleged offenders. That is not the purpose for which they were set up. It was just an excuse that the member for Bragg used to introduce *The Advertiser*'s report of the law and order debate at the ALP state convention on the weekend. I note that the member for Bragg smirks and hides behind her *Hansard*, as well she might, because the law and order debate at the ALP State Convention was the best debate of the whole weekend—the only one delegates really enjoyed.

The Hon. J.D. Hill: Plastic bags they enjoyed.

The Hon. M.J. ATKINSON: Plastic bags was a good debate, that is true. It was certainly more lusty than any debate they ever have at the Liberal Party State Council. They never talk about policies and ideas at the Liberal Party State Council; they all want to talk about personalities. It is all in hushed tones up the back. We slug it out on the conference floor. I was pleased to be a participant in that debate yesterday. The *Advertiser* report did not get it quite right. My supporters, my staff and I were not against restorative justice. We were opposing at the convention a motion that called for restorative justice to be the 'foundation of the criminal justice system'. Of course we opposed that because of restorative justice, whatever its virtues, cannot be the foundation of our criminal justice system. Certainly the Liberal Party never proposed that it should be.

Mr Brindal interjecting:

The Hon. M.J. ATKINSON: I do not know what the member for Bragg expects. If we have restorative justice as the foundation of the adult criminal justice system, does the member for Bragg propose that the survivors of a murder victim have a tete a tete with the perpetrator of the murder? Does the member for Bragg propose that the victim of a child sex offence have a round table conference with the perpetrator, whereby the perpetrator explains to the victim why he did it? Should a rape victim have to come into the same room as the perpetrator and listen to the perpetrator give excuses as to why he did it? I do not think so and that is why I moved to get a compromise position on restorative justice and I would like to think that the great majority of the South Australian public would support me.

Ms Chapman interjecting:

Mr BRINDAL: Does the member for Bragg get three turns to answer each question that the Attorney asks? She was asked a whole series of questions. Does she have the right to answer those questions?

The ACTING CHAIRMAN: The honourable member is out of order. If he has a point of order he should rise in his place.

Mr BRINDAL: On a point of order, sir, I seek your clarification. The Attorney asks a lot of very valid questions of my colleague the member for Bragg.

The ACTING CHAIRMAN: There is no point of order.

The Hon. M.J. ATKINSON: Standing Order 124 relates to members not using unparliamentary language.

The ACTING CHAIRMAN: Order! The committee will come to order.

Mr HAMILTON-SMITH: I support the member for Bragg's amendment, which seeks to ensure that an independent person is appointed to carry out an investigation and review concerning the value and effectiveness of the intervention programs, particularly the Drug Court program. I cannot see why the minister would oppose this amendment and I think the minister diminishes his credibility by entering into banter with the opposition in an effort to score political points at this stage of the bill. The point the member for Bragg is making is that we need to review the program. It is a very good amendment and I seek the minister's comment. Earlier I asked the minister, first, for an indication of what the cost of the Drug Court program is now. I understood that to be in the previous government's term.

I made the point that the Attorney may find himself competing with the Minister for Health, the Minister for Education and others for a limited amount of money for drug programs. The intervention programs encompassed in this bill and amendment are simply one part of the fight against drug addiction, yet the minister has pointed out that the Minister for Health is the prime minister. Would we not want to support the member for Bragg's amendment and review the intervention program because, if it gets too expensive, it may be better to use the money on rehabilitation or drug treatment programs. It may be better for the community to spend more money there rather than use it on these intervention programs.

Would it not be sensible to support the member for Bragg's amendment and ensure that there is a review so that, if we start consuming copious amounts of money on this legalistic structure, which is important but which needs to be balanced against the other drug initiatives we are taking, we can act to ensure the money is spread more equitably among

the whole range of measures we need to employ in the fight against drug addiction. Why would we not support the member for Bragg's amendment?

The Hon. M.J. ATKINSON: The member for Waite just does not get it. The great bulk of the money is spent on rehabilitation. Yes, we have a court, but they are trying to keep an offender out of prison by rehabilitating him or her and dealing with the vice that led to the offending. It is all about rehabilitation. That is what we are doing. We do not dig a hole somewhere out near Murray Bridge and fill it up with $1.7 million and then cover it with earth. These programs—mental impairment and the Drug Court—are about rehabilitation. That is why the courts contract for services from the Department for Human Services.

Before I was rudely interrupted I was responding on the question of restorative justice and the ALP State Convention debate on the subject, which the Acting Chairman ruled was in order for the member for Bragg to raise. The odd thing is that I supported the carrying out of restorative justice principles in the juvenile justice legislation that was before the house in 1993 and at that time those principles were opposed fiercely by the restorative justice converts who wanted on Sunday to make restorative justice the foundation of the whole criminal justice system. As so often happens with the Australian Labor Party, a reasonable compromise was reached. I will be writing to the *Advertiser* to point out the true situation. We will not be accepting the member for Bragg's amendment.

Mr HAMILTON-SMITH: The minister demonstrates the very point I am making. He demonstrates his misunderstanding. He claims that his bill is the answer to all of the problems associated with drug addiction. He says that his bill will solve all the problems of rehabilitation. He suggests that this bill will fund Warinilla, the Wool Shed and the methadone treatment program. He suggests that his bill is all about rehabilitation, that it will provide all the solutions. The very point which I make to the minister and which he fails to understand is that, if the Premier and not the Minister for Health had prime carriage of this issue of drug rehabilitation measures (of responses to the Drugs Summit and dealing with the problem of drugs), a more balanced outcome might be achieved amongst the need to fund this bill, treatment programs, education programs, police and prisons programs, and various other programs, all of which need to be funded to provide a balanced array of measures to deal with the problem of drug addiction.

Again I make the point that, if the minister is serious about getting a balanced approach to fighting the problem of drug addiction, he will agree to this amendment and ensure that the intervention programs and legalistic measures that are needed to fight drug abuse are reviewed from time to time, so that if there is a need to redirect money into Warinilla, the Wool Shed, the methadone program or prisons, that will occur. Those things will not be funded from the Attorney-General's Department alone. It seems to me that the Attorney-General is really answerable to the Minister for Health in regard to funding in this area. So, I think the minister needs to support the member for Bragg's amendment.

The Hon. M.J. ATKINSON: We know that the last Liberal government just loved consultants. They spent millions on consultants. Consultants were the real growth area of public spending under the Liberal Party. Now that they are in opposition they cannot kick the habit. They want to reach into the wallets and purses of South Australian taxpayers and get in another consultant. This is not a funding bill. All the bill does is establish a legal framework for a program in the judicial branch and the executive branch that already exists. So, now is not the time, and this is not the bill, to be putting in a provision about a review by a consultant. There are methods by which the opposition can test the efficacy of the Drug Court program or the mental impairment program. That can be done through estimates, question time or the Legislative Review Committee. If these programs do not work, the government will take political responsibility. I am sure that I will hear about it through the Leon Byner program on radio 5AA, and the government will have to respond then. The government has an interest in making these programs work. So, no, we will not reach into taxpayers' pockets and fund yet another consultant at the instance of the Liberal Party.

Schedule negatived.

Title passed.

Bill reported with amendments.

Bill read a third time and passed.

SOUTHERN CROSS REPLICA

The Hon. J.D. HILL (Minister for Environment and Conservation): I seek leave to make a personal explanation.

Leave granted.

The Hon. J.D. HILL: In question time today the member for Waite asked me whether Mr Stephen Dines or Mr John Pope were involved in the tender process for the Southern Cross replica aircraft. I am advised by Arts SA that at different times that department has sought advice from Mr Dines in his role in his role as a CASA (civil aviation authority) delegate about CASA procedures, for example, the role of CASA in accrediting an aircraft after repair and the issue of endorsing pilots.

I am further advised that Mr Dines was not involved in the selection process in relation to the transfer of the Southern Cross replica. I am also advised that Mr John Pope was not identified to Arts SA as being involved in the HARS bid. I understand that Mr Pope may have had some involvement in the former aircraft, but I am advised that he was not involved with the HARS bid. Neither gentleman is an employee of Arts SA, and I remind the house that these issues have been referred by the member for Waite to the Auditor-General.

GREAT AUSTRALIAN BIGHT MARINE PARK

The Hon. J.D. HILL (Minister for Environment and Conservation): I move:

That this house requests Her Excellency the Governor to make a proclamation under section 43(4) of the National Parks and Wildlife Act 1972, to vary the proclamation made under sections 28 and 43 of that act on 26 September 1996, so as to remove the ability to acquire or exercise pursuant to the proclamation, rights of entry, prospecting, exploration or mining under the Mining Act 1971, the Petroleum Act 1940 (or its successor) or the Petroleum (Submerged Lands) Act 1982 over the land constituted by that proclamation as the Great Australian Bight Marine National Park.

I am pleased to move this motion on behalf of the government. The Great Australian Bight Marine Park was proclaimed under two pieces of legislation and comprises the Great Australian Bight Marine National Park under the National Parks and Wildlife Act 1972 and the Great Australian Bight Marine Park Whale Sanctuary under the Fisheries Act 1982.

There is a total prohibition on mining in the existing whale sanctuary, but the national park was jointly proclaimed to

provide for mining rights. Through the adopted plan of management for the park, mining and petroleum activities are permitted for six months of the year. It is therefore the national park to which this resolution relates. The government has a clear policy commitment for the Great Australian Bight Marine National Park, which is to extend the current prohibition on mining and petroleum activities from six months of the year to year-round prohibition. The intention to implement this policy commitment was announced by the Premier at the community cabinet meeting in Ceduna on 5 May this year.

The Great Australian Bight is one of Australia's greatest natural assets, and the waters of the bight are justly renowned for their high levels of biodiversity. Indeed, it is becoming increasingly recognised as an area of global conservation significance for species of rare and endangered marine mammals. Its conservation values include: the most significant breeding and calving areas for the endangered southern right whale in Australia and one of the two most significant sites for this species in the world; important populations and breeding colonies of the rare Australian sea lion, which due to their isolation and probably negligible rates of sealing represent a significant source of genetic diversity for that species; seasonal habitat for other species of rare and endangered marine mammals, including blue whales, sperm whales, killer whales, minke whales and humpbacks; and some of the highest levels of marine biodiversity and endemism in Australia, particularly among red algae and invertebrate fauna such as sea squirts, sea slugs, molluscs and sea urchins.

Whilst the marine invertebrates are of particular interest to many, it is the southern right whale which is the iconic species that draws our attention to the bight. Indeed, our interest in the whales is as one of the increasing number of visitors to the Head of the Bight who wish to see them first-hand and as citizens who may never see them but who appreciate and enjoy the presence of these extraordinary creatures in our waters. However, their existence cannot be taken for granted. The southern right whale is presently considered by the commonwealth to be endangered and by the World Conservation Union to be vulnerable to extinction. Estimates put the world population of southern right whales at about 1 500 to 3 000 individuals compared with the pre-whaling population that may have been as high as 200 000 individuals. The Australian population is approximately 600 individuals.

It is extraordinary to think that it is only 25 years ago that whaling was outlawed in Australia. Members will recall that the Whaling Act 1937, which essentially sought to regulate the whaling industry in South Australian waters, was removed from our statute books in 1999. I remember with great interest the debate on that topic. I hope that some of the enthusiasm with which members spoke on that subject then will be reflected in the discussion on this motion today.

The populations off South Australia have shown no apparent increase. While the species is presently recovering, the suspected very low diversity of the gene pool in the population, after being hunted to near extinction, has made the species particularly vulnerable to catastrophic collapses. It is on this basis that today's motion is so important.

The precautionary principle requires us to minimise the threats to this species as much as possible. Whilst the Great Australian Bight region appears relatively unimpacted by human activities at present, protection of breeding and calving areas in the marine park is a major contribution to the worldwide recovery of this species. Endangered species with small populations such as the southern right whale are particularly vulnerable to extinction. Protection of critical breeding and calving areas is, therefore, one of the most effective conservation measures to ensure their recovery.

In this light, we appreciate the significance of the Head of Bight. The breeding and calving nursery area at the Head of Bight is the largest in Australia and one of two major breeding areas in the world. Over half the calves born in Australian waters are born in this area, and so the recovery of the southern right whale should not be taken for granted. Removal of mining rights from the national park will provide greater long-term protection, both for the southern right whale and species such as the rare Australian sea lion.

Whilst there is little current exploration interest in the area, there remains the potential for pipeline access through the park from commonwealth waters and associated environmental risks. None of us, be we pro conservation or pro mining, or a healthy mixture of both, would want to see images of whales and oil spills in a largely inaccessible area, where clean-up operations would be almost impossible.

Given the demonstrated international significance of the area for conservation, it is appropriate that it be given the highest level of protection possible under South Australian legislation. The government has a clear policy direction to protect key areas of our national parks from exploration and mining. This has been implemented in such key biodiversity areas, such as in the Gammon Ranges National Park in July last year, in four parks on Kangaroo Island in January this year and in the Premier's recent announcement for Coongie Lakes. I trust that I will receive the same support for this motion for the Great Australian Bight Marine National Park as has been shown for these other parks. I commend this motion to the house.

The Hon. R.B. SUCH (Fisher): I will make just a very brief contribution in supporting this motion. In August this year, I had the privilege of visiting this part of the state and of using the facilities that have been established for whale watching at the Head of Bight. Whoever was responsible for that facility and for its ongoing provision deserves praise, because it is an excellent tourist arrangement. It is well managed, well organised and well laid out. I understand that the local Aboriginal community has a major say in the running of the facility, but I am not sure who gets the entrance fee.

The day that I visited, many whales and many young calves were in the area. It is an ideal spot to observe the southern right whale, in particular. In the future, I believe that whale watching will continue to grow and to give pleasure to a lot of people. This motion complements the current tourist facilities, so I support it and trust that it will have speedy passage.

The Hon. I.F. EVANS (Davenport): The opposition does not oppose this motion, although I think that the shadow minister for mining may raise some rhetorical questions during the debate. Procedurally, one of the problems with these motions is that you cannot ask any questions or tease out any responses, as you can with a bill. It is unfortunate that the process is that you cannot get questions and answers on the record when mining rights are being taken away from an area. Perhaps the Standing Orders Committee may consider this issue, because it is in the public interest that the opposi-

tion should be able to ask questions and that the minister be able to respond on the public record.

I have moved two or three motions such as this as a former minister and as a shadow minister. It is a procedural issue that there is no opportunity for question and response on these motions. Of course, there is the opportunity for debate, but that is not exactly the same thing.

The opposition recognises the arguments put forward by the minister on the conservation zone of the Great Australian Bight. Unlike the member for Fisher, I have not had the opportunity to view the whale watching platforms. When I rode my bicycle to Perth in 1983, there were no tourist facilities at the Head of Bight: you just left your pushbike on the ground, looked over the Bight and went on your way. So, maybe next time—

Ms Breuer: Did you ride back to Adelaide?

The Hon. I.F. EVANS: No; we rode from Adelaide to Perth and then flew back. But I did not have the same opportunity to see the whales as the member for Fisher.

In not opposing this motion, the opposition raises the point that parliament should not fall into the trap of thinking that everything about mining is bad. To its credit, the mining industry has come a long way in its management of the environment. In fact, a lot of the environmental information we have available today is because of the courtesy extended to the environmental movement, and the community in general, by many of the mining interests. There is no doubt that, whilst the mining industry does have an effect in some areas from time to time, it can provide very positive environmental outcomes and information to the broader community, and there are plenty of examples in South Australia.

Having said that, the opposition does not oppose this motion. We recognise that the government has the numbers in both chambers, but I am sure that the member for Bright wants to raise some questions on behalf of the mining industry. One issue might be about the mining from the side and whether that is allowed, and the same issue was raised about the Coongie Lakes. With those comments, we do not oppose this motion.

The Hon. W.A. MATTHEW (Bright): As my colleague the member for Davenport indicated, I rise to raise some matters in relation to this motion that I believe ought be appropriately addressed on the record by the minister. Whilst there is certainly no obligation upon him through this process to do so, I hope that he takes up the challenge and takes the opportunity to respond to the matters that are raised.

I understand that this motion is a proposal to remove mining access relating to the conservation zone for the Great Australian Bight Marine Park and will extend a prohibition that is currently in place for a six-month period, when whales frequent the area, to a total prohibition all year round.

This marine park was proclaimed under two pieces of legislation during the time of the last Liberal state government, so we have already strongly placed our credentials on the public record by proclaiming this zone in the first place. But we also recognise the value of mining and petroleum activity and, in putting that conservation zone forward, we sought to sensibly allow the continuation of petroleum exploration in the region.

Indeed, a plan of management for the Great Australian Bight Marine Park in commonwealth waters was also released publicly, and that established a very careful and detailed framework for exploration and development in the park. Any exploration or development activities in the park had to be referred to Environment Australia under Environment Protection and Biodiversity Conservation Act 1999.

Three exploration petroleum permits were granted to Woodside Energy, as the operator and joint venture partners, in July 2000. That was a fairly significant granting of an exploration permit. I am sure, Mr Speaker, with your strong interest in mining and petroleum exploration, that you would be aware that the operator actually committed to a spend over a six-year period of anywhere up to $89 million, with $39 million of that expenditure guaranteed. So, very significant moneys were to be put forward by the companies concerned.

Two licences, in fact, licence numbers 28 and 29, incorporated part of the Bentinck Protection Area, which runs affectively at a 90 degree angle with the Great Australian Bight Marine Park area. Exploration work within that area was also permitted, provided it was exploration activity that did not disturb the Bentinck fauna and flora in that region. Any exploratory drilling could occur only as the result of a rigorous environmental review and effectively had to be considered on a case-by-case basis.

The minister indicated to the house on an earlier occasion that the exploration interest in the area, while not being directly within the area that is currently the subject of this motion, was certainly in Commonwealth waters, approximately 3 kilometres to the south of the Head of the Bight. The minister acknowledged to the house on a previous occasion that there may be a situation where if Woodside Petroleum were able to achieve the finds that it hoped for it might seek to run a pipeline through to the coast, but in his address to the house on that occasion the minister indicated that the pipeline might not be the best option but, rather, the shipping of any product located might be.

I get more than a little bit nervous when ministers, particularly from a portfolio outside the mining portfolio, start to make such bold predictions. Members would be well aware that the Seagas pipeline, which is being built to bring gas into South Australia from Victoria, is relying upon the Minerva gas field, a considerable portion of which is offshore from Victoria. The whole issue is that there may be gas reserves in the Great Australian Bight. If there are, it may be in the state's economic interests to pipe them into South Australia. If there are, it may be in the state's economic interests that they be piped through that area. I would not like to see that opportunity closed off through a motion that goes before the house, with the only information provided being what the minister has put on the record today and on a previous occasion.

I wish to put on the record, some questions that I would be interested in the minister responding to. I ask that the government consider what affect this particular motion has on existing licence holders. Have they been consulted? If so, who are they? Whom did the government consult with and what were their reactions to the government's proposal? Who else from the petroleum industry sector with an interest in this area has the government consulted, including companies, representative bodies, and the local representative body in South Australia—the South Australian Chamber of Mining and Energy? Or, has the only consultation been with the primary industries department? As silly as that might sound, that is in fact what we found had occurred with the last matter that came before this house only recently, with respect to exploration in the Coogee Lakes area. In fact, the minister advised the house that the only consultation had effectively been with the department, not with the companies involved.

On contacting the companies and the South Australian Chamber of Minerals and Energy, I found that those groups were very angry about the lack of consultation. The minister took it upon himself to undertake that consultation, and this house still awaits an answer on that matter. Likewise, we need answers to those questions here as well.

The minister has provided no detail of what prospectivity there might be within the region, such as opinion from Woodside, which has relied on some seismic information in the area. There has been no detail provided to the house of any seismic activity that has been undertaken by any bodies or organisations and what that has yielded.

As with the Coongie Lakes argument, there has been no detail provided to the house about lateral drilling, and I again ask the minister whether in this instance lateral drilling will be permitted underneath the exclusion zone, or whether that is also going to be prohibited. In relation to the Coongie Lakes, I asked the minister whether lateral drilling would be permitted, and on that occasion he advised the house that he could see no reason why not. However, he then had to come back to the house and indicate that he had advised us incorrectly and that, in fact, it would not be allowed.

So, there are a number of concerns that I have in relation to this proposal and I do not believe that the house has been provided with sufficient information to be comfortable with what we have before us. Certainly, as my colleague the member for Davenport indicated, the dilemma with this particular way of gaining the endorsement of the house to undertake a gazettal for excluding mining is that we do not have the opportunity to be able interactively to question the minister. That is something that the house may like to consider outside today's forum as to whether we need to amend our standing orders to ensure that that does occur because, in my view, it does not provide the opportunity that it ought to ensure that the debate is occurring the way the public would expect.

I hope that the minister will be able to assist by at least responding where he is able at this time to those matters that I have raised. Where he is not, I would be satisfied if he took the matters on notice to bring back a reply to the parliament on a later occasion.

The Hon. G.M. GUNN (Stuart): Like the member for Davenport, I have observed the whales at the Head of the Bight on a number of occasions—that particular part of South Australia was in my electorate for about 27 years. I was involved in discussions when the previous government took steps, and I was there when the viewing platforms were opened.

I would like to make a brief comment in relation to this matter: one needs to be very cautious when you are locking up areas of the state that could have the potential for gas or oil, because this state cannot afford to unnecessarily lock up its resources if they can be harvested for the benefit of the people of South Australia. Therefore, I believe that, in proclaiming these sorts of areas, one needs to move with a great deal of caution. Of course we have to protect the Head of the Bight, but I think that we have to be a bit cautious when we get going too far on these things. We have already had discussions in relation to other parts of the state—the Coongie Lakes—and it is all very well for people enthusiastically to put these things forward, but I am concerned that in the future they may cause problems in relation to the extraction industry. Obviously, the parliament is going to support this motion; I am just one of those who want to urge a little caution.

The Hon. J.D. HILL (Minister for Environment and Conservation): I thank members for their contributions and for the stated support of the opposition for this measure, although it was interesting that the speeches tended to be more oppositionist than supportive. Nonetheless, I accept that the opposition is going to support this measure.

This was a proposition that the current government developed in opposition and made public at the time. It was part of our platform for this election, as, indeed, was the protection for the Coongie Lakes area. We stated that at the time. I have had conversations about this with representatives of SACOME and explained to them what our policy position is and has been.

In relation to the issue of mining generally in South Australia, I want to make it plain, both as an environment minister and a representative of the government, that we are supportive of the mining industry in this state and that we believe that mining ought to be encouraged and supported. There is certainly no doubt that it is a generator of great wealth in our community. It has a relatively benign impact, in the scheme of things, on our landscape. Agriculture generally has a much greater impact on the landscape than does mining—although, of course, when mining occurs the impact of it is intense, but in a relatively small area. If one looks at the statistics in South Australia, one will see that about 7 per cent of the state has a level of protection over it which excludes mining. So, the vast bulk of the state is open to mining.

This government considers (and I think the other side agreed when it was in government) that there are some parts of the state that should be protected from mining. Indeed, the former minister for the environment (the member for Davenport) moved to make the Gammon Ranges a mine-free area. He moved (and was successful) when we were in government to have that measure passed through the house. So, there is, I guess, bipartisan support for the proposition that some parts of the state should be protected from mining and mining exploration. The only debate, I suppose, concerns which of those areas. As I said, we have to keep this in perspective. At the moment, only about 7 per cent of the state is a no-go area for miners. We need to make sure that we have balance and, as a government, we are working to try to ensure that we have proper procedures in place to achieve that correct balance.

In fact, I have asked my departmental officers in the department of environment to review the National Parks Act (and I have announced that in this place before) to look at developing a more sensible and logical set of types of protection, because the arrangements that we have in place at the moment are somewhat ad hoc. It would make a lot of sense to me—and, I think, to most other people—to have a more consistent set of arrangements in place. If we do that, I think we will gain a better understanding about how we deal with some of these contentious issues when biodiversity protection and mining exploration come up against each other. But that is for the future.

I have a committee in place—the National Parks and Wildlife Advisory Committee—that is giving me advice on these issues, and I have made sure that there is a representative from the mining industry on that body who can take part in the considerations for the reform of the National Parks Act. In addition, I am also in the process of making arrangements

with the South Australian Council of Mining to meet with its representatives, the Minister for Primary Industries and representatives of the conservation movement in the new year to see whether we can develop some common understandings about mineral exploration and biodiversity protection so that we do not have a situation in South Australia where it is one side against the other in a fight every time there is an issue—

An honourable member: And petroleum exploration.

The Hon. J.D. HILL: —and petroleum exploration, too—before us that has to be resolved. I am hopeful that we can come up with some protocols and understandings that can address these thornier issues so that we have better processes in place. I know that the member for Bright asked a number of questions. I will certainly look at those questions and, if I can provide information to assist him, I certainly will.

Motion carried.

The SPEAKER: My own position in connection with this matter is that, notwithstanding the fact that I was alert to the proposition taken to the election by the Labor Party, it was an area with respect to which, at the time I drafted the compact for good government, I believed that the determination of what ought to happen in this and similar matters would be left to the government, whichever party that may be. In the event, it was Labor, and I have allowed the Labor Party to make its determination. My own view is diametrically and very strongly opposed to that. The Labor Party has its right in office now to put its colours on the mast and be accountable to the public of South Australia. Let me say to the public of South Australia (or so many of them as may be interested to contemplate these remarks) that there is no scientific reason, there are no valid grounds, there is no risk to biology whatever in exploration. It is the means by which it will be possible for us to better understand the nature of this continent and the land mass and rocks of which it is comprised and adjacent to it. The decision to ban is foolish. It is crazy to my mind, and it makes no sense whatever. It is detrimental in its signal to the rest of the world.

Modern aerial geophysical survey technology is far more sophisticated than the use of laser instead of radar in detecting speeding motorists. Also, radar was always problematic in that it was subject to interference from electrostatic discharge in the atmosphere, and it still remains problematic, whereas laser technology in detecting speed is less inclined to be so. Aerial geophysical survey technology is now being used elsewhere around the world, and has been for 10 years or so. It is very sophisticated and environmentally friendly, and it enables everyone to understand what is there. Whether or not you exploit it is another matter. The fact remains that knowing what is there expands your knowledge of where else you might look to find the same formations, as a geologist is inclined to do: their laboratory is the earth itself.

Let me illustrate the points I am making by reference to the lack of evidence there is of any damage in places which have been explored, such as the Arabian Gulf, formerly known (and probably still known by some members in this place) as the Persian Gulf, along the north-west coastline of Sarawak, at Miri, Peisau and Labuan, places where I have, in those instances, dived to look at what is going on on the sea floor. For whatever reasons I was there diving is beside the point; I took an interest in the biology of the place. There is no danger or risk and no damage that has resulted from that.

The same is the case along the southern Californian coast near Los Angeles and points further south towards San Diego, in the water; Venezuela; elsewhere in the Carribean; in the Red Sea; and even in the North Sea. This kind of exploration has resulted in no damage whatever to mammals (that is, things we describe, in common terms, as whales, dolphins and the like), and even in China where less sophisticated technology was used in the Gulf of Chihli and adjacent to Tianjin, on the salt marshes of Dachang, there is no detrimental biological consequences on those tidal flats, and they have used far more primitive technology than what is available to us and what we would, in fact, be using should such exploration be undertaken; exploration to discover not whether or not to exploit, as I have said earlier, but rather to determine what is there and why it is so.

I am pleased that the minister made the point that the government is not antagonistic to mining. I am pleased and commend the government for understanding the necessity for us as a sophisticated and civilised society to sustain ourselves by being able to mine. Without it, none of us and nothing we do would be possible in the manner in which we do it. The plastic of which our computers and pens are made, the machines which make our clothing, prepare our food, enable us to farm, and to make the means by which we communicate with one another in circumstances where we cannot even see one another all depend on the mining industry. It is not possible to wake up in the morning and do one single thing without being utterly dependent in the process upon the mining industry for it being possible for us to do that thing.

We need to get it into perspective and recognise that the open, disturbed surface of the earth in Australia which has arisen as a consequence of mining is less in area than the car parks that we have built on which we accommodate the automobiles which are constructed from materials which have been won from the earth by mining. It is about time the 'feel-good' factor was put to one side and the irrational, emotive antagonism to the mining industry abroad in the community was laid to rest by sensible contributions made by members of parliament to the development of better public awareness, and this parliament should make a conscious and deliberate effort to ensure that not only do teachers in all our schools ensure that children understand the truth and the good science there is involved in the mining industry but also the general public at large is better disabused than it is at present. I thank the house for its attention to my view.

STATUTES AMENDMENT (BUSHFIRE SUMMIT RECOMMENDATIONS) BILL

Returned from the Legislative Council without amendment.

LEGAL PRACTITIONERS (MISCELLANEOUS) AMENDMENT BILL

Returned from the Legislative Council without amendment.

SOUTHERN STATE SUPERANNUATION (VISITING MEDICAL OFFICERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 12 November. Page 761.)

The Hon. I.F. EVANS (Davenport): I rise on behalf of Liberal members to indicate support for this bill. The bill is relatively straightforward and simple. The government has advised that the trustee of the visiting officers fund has

decided to wind up the fund principally because its small size makes it difficult to compete against the larger funds on a cost per member basis. We are advised that the trustees' decision has been endorsed by the government and that from 1 July this year no further contributions have been paid into the fund. We are also advised that the visiting medical officers have been given the option of rolling over their accumulated balances into a fund of their choice.

I note that the second reading explanation speculated that a large number of the visiting medical officers were expected to roll over their accumulated balances to the government's SSS scheme. We have had a further briefing, and the government advises that it indicates that it believes that around 40 per cent of the accumulated balances have been rolled over into the SSS scheme and that some 60 per cent of the accumulated balances have been rolled over by the officers into their own private sector superannuation schemes.

The visiting medical officers have had the option of either rolling over into the government SSS scheme or into their own private superannuation scheme. As I have said, we have been advised that around 60 per cent of the accumulated balances have now gone into the private superannuation schemes. The bill proposes to repeal the Superannuation (Visiting Medical Officers) Act 1993 and amend the Southern States Superannuation Act 1994. There are a number of technical provisions in the legislation which the opposition supports, based on the briefings and advice that we have been given, in particular the fact that the salaried medical officers' association has been fully consulted on this bill, and it also has indicated its support for the changes as outlined in the bill. Because that association supports the bill, the opposition also supports the bill. The opposition sees no need to go into committee on this bill.

The Hon. K.O. FOLEY (Treasurer): I thank members for their support and I am happy for the bill to go through to the third reading.

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

The Hon. K.O. FOLEY (Deputy Premier): I move:

That the sitting of the house be extended beyond 6 p.m.

Motion carried.

ADJOURNMENT DEBATE

The Hon. K.O. FOLEY (Deputy Premier): I move:

That the house do now adjourn.

Mrs PENFOLD (Flinders): On 17 July, in response to the Economic Development Board's report, the Premier said:

> Let us remember what this is all about: South Australia's future is in exports. I am backing the EDB's target of a near tripling in the value of our exports by 2013 to $25 billion because that will mean more jobs and higher prosperity.

Fine sounding words, and you would think that all government department people and Labor ministers would be facilitating the smooth export of our products wherever possible. However, I draw the attention of the house to a *Yes, Minister* story that illustrates the lack of care and empathy for people who are doing their best to increase our exports but who live outside the city limits by some ministers and some bureaucrats who have never risked their own money to make a living for themselves and their families, let alone that of dozens of employees and their families.

These people are in the trucking industry and live in and around Ceduna, an area that is remote and without many of the services that are taken for granted by city people. The Ceduna region has had an excellent farming year this year and the grain is beginning to pour into silos within the region. Bank debts will be paid and the necessities of life and perhaps a few luxuries will be bought. Tax bills to help pay our politicians and bureaucrats will also be paid. However, on Wednesday 26 November in this remote area at a silo at Pintumba, which is 160 kilometres west of Ceduna between the small towns of Nundroo and Coorabie and where good seasons are expected about one year in seven, 300 metres off the Eyre Highway, transport department people waited for the first of the road trains that shift the grain into the Thevenard silo for loading onto boats for export and booked them for not having the appropriate permit.

They lay in wait and booked each road train as they came in like lambs to the slaughter confident that they had all the myriad paperwork done and their rigs properly maintained for the start of the season, and that there was nothing that they could be booked on. However, those who have the time and vindictive will to make life a misery for those who do their best to comply had a surprise in store, and I quote a letter received today from the owner, Peter Meier, as follows:

> Grain has been road freighted from Pintumba since being built because there is no access to rail and after initially being moved with single semitrailers in earlier times grain is now transported with road trains (approximately 20 years). As you are aware the route to Pintumba silo is via the Eyre Highway then on to Coorabie Road to silos that is a distance of approximately 300 metres. This 300 metres of dirt road is where the offences allegedly took place. As I was only notified from our drivers late on 26.11.03 of what took place I had to wait until the next morning to contact permits to sort this issue out. As permits office does not open until 8.30 a.m, I rang Colin Wright for clarification on the morning of 27.11.03 on whether this 300 metres of road could be accessed by road trains.
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> After going through gazette notices, Colin said it was not a road train route. At approximately 9 a.m. I spoke to Ian Day at the permits office at Regency Park and was advised that no permits had ever been issued for access to Pintumba silos, to ourselves or any other transport operators. We would have to obtain a permit and a route evaluation had to be done by the Department of Road Transport and this could take some time. As you can see us failing to obtain this permit was a complete oversight on our behalf and more than likely for other transport operators that have accessed this site that also have not held permits.
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> This brings me to the point of the way officers Burfitt & Richards were waiting on the 300 metres of dirt access road to Pintumba silos, I would say specifically for our vehicles because these officers had realised it was not a gazetted road train route. I would suggest that these two officers were there for the pure reason of entrapment, because if they realised there was an anomaly in our access to this site they could quite easily have rang or called into our office to make us aware of the situation. It is confusing that when road trains have been operating out of this site for so long that they wait until the height of harvest, and with us having to deliver grain to Thevenard terminal for a shipping program for a ship loading on Monday 1 December 2003 with cargo from the Pintumba site that we are booked for the alleged offences.
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> At approximately 10 a.m. on the morning of 27.11.03 I rang Perry Will to see if we could in any way speed up the process of getting permits into the Pintumba because I was being pressured by A.W.B. to have cargo at the Thevenard terminal for the ship arriving on Monday. During the course of the day we made several phone calls to Permits Department at Regency Park and to Liz Penfold's office at Ceduna to see how things were progressing. At approximately 3 p.m. we were advised that permission had to be sought from Yalata Community for us to operate permitted vehicles on the Coorabie Road which we did and was granted immediately and letter faxed to Transport SA confirming this from Yalata office. On the morning of 28.11.03 at 8 a.m. I was phoned by Perry Will to be told that he had been advised from Geoff Baynes that our permits had been granted and would be issued later on the morning of 28.11.03.

Actually, they were received on Saturday 29 November, a delay of over four days. I could not agree more with the statement of Peter Meier, the road train operator, that our exports should not be put at risk by pedantic government servants over-policing their roles. Deliberate targeting of the trucks at Pintumba silos when warning could have been given; the buck-passing with the statement of the need to get Yalata Aboriginal approval when this road was part of the Eyre Highway and has been used for over 100 years; the requirement (not previously mentioned) for the council's works manager's approval when this is outside the council area and it is actually the responsibility of the Minister for Transport himself to sign off permits; talk of an assault which did not happen; and, finally, stating that the truck company should have known about the need to have a permit for 300 metres of road that has never had a permit issued before, are all signs that these particular servants of the public should no longer have a job in this department. I understand that today Mr Burfitt is in Streaky Bay deliberately holding up trucks in the wheat line by pedantically going through each truck, and past and current cart notes.

I ask that the minister assist our export drive and remove provocative officers, including this one, from these front line positions and replace them with people who will work with our industries to encourage them to increase their export potential, as the Premier has said, because that will mean jobs and higher prosperity.

Motion carried.

At 6.05 p.m. the house adjourned until Tuesday 2 December at 2 p.m.