HOUSE OF ASSEMBLY

Wednesday 15 September 2004

The DEPUTY SPEAKER (Hon. R.B. Such) took the chair at 2 p.m. and read prayers.

STATUTES AMENDMENT (PARLIAMENT FINANCE AND SERVICES) BILL

His Excellency the Governor's Deputy, by message, recommended to the house the appropriation of such amounts of money as might be required for the purposes mentioned in the bill.

TRANSPORT, FUNDING

A petition signed by 374 residents of South Australia, requesting the house to support the Premier in his efforts to have the Federal Government increase to our fair share South Australia's allocation of funds for building and maintaining our land transport network, including regional South Australia, was presented by the Hon. P.L. White.

Petition received.

PUBLIC WORKS COMMITTEE

The DEPUTY SPEAKER: I lay on the table the report of the Public Works Committee, Dukes Highway Rehabilitation, Bordertown to the Victorian border, which has been received and published pursuant to section 17(7) of the Parliamentary Committees Act 1991.

LEGISLATIVE REVIEW COMMITTEE

Mr HANNA (Mitchell): I bring up the first report of the committee.

Report received.

Mr HANNA: I bring up the second report of the committee.

Report received and read.

PAPERS TABLED

The following papers were laid on the table:

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

- Adelaide Film Festival Charter
- Regulations under the following Act—
  - South Australian Country Arts Trust—Country Arts Board

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

- Regulations under the following Act—
  - Volunteers Protection—Remuneration

By the Treasurer (Hon. K.O. Foley)—

- Regulations under the following Act—
  - Electricity Corporations (Restructuring and Disposal)—Payments

By the Minister for Police (Hon. K.O. Foley)—

- Witness Protection Act 1996—Report 2003-04

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

- Land Management Corporation Charter
- Regulations under the following Act—
  - Maritime Services (Access)—Ports Access Regime

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

- Regulations under the following Act—
  - Gas—
    - Recovery Provisions
    - Regulatory Framework

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

- South Australian Metropolitan Fire Service—Report 2002-03
- Regulations under the following Acts—
  - Country Fires—CFS Organisations

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

- Dangerous Area Declaration, Return Pursuant to Section 83B of the Summary Offences Act 1953—Period 1 April 2004 to 30 June 2004
- Listening & Surveillance Devices Act—Report 2003-04
- Road Block Establishment Authorisations, Return Pursuant to Section 74B of the Summary Offences Act 1953—Period 1 April 2004—30 June 2004
- Summary Offences Act—Return of Authorisation Issued to Enter Premises Under Section 83C(1)—1 July 2003-30 June 2004
- Suppression Orders, Report of the Attorney-General Pursuant to Section 71 of the Evidence Act 1929—For the Year Ended 30 June 2004
- Regulations under the following Acts—
  - Criminal Law Consolidation—Witness Fees
  - Land Acquisition—Forms
- Subordinate Legislation—Postponement of Expiry
  - Trustee Companies—Scheme of Regulation
  - Victims of Crime—Allowable Victim Compensation
- Rules of Court—
  - Magistrates Court—Amendment No. 22—Summonses
  - Supreme Court—Amendment No. 95—Interest Rate

By the Minister for Health (Hon. L. Stevens)—

- Physiotherapists Board of South Australia—Report 2003-04
- Department of Health and Department of Families and Communities Response to the Recommendations of the Report of the Select Committee on Pitjantjatjara Land Rights
- Regulations under the following Acts—
  - Chiropodists—Advertising Restrictions
  - Controlled Substances—Clean Needle Programs
  - Occupational Therapists—Qualifications
  - Public and Environmental Health—Notifiable Diseases
  - Public Intoxication—Petrol

By the Minister for Transport (Hon. P.L. White)—

- Adelaide—Coober Pedy Scheduled Airline, Award of Route Service Licence
- Transport SA Rail Land Project—Removal of Track Infrastructure
- Regulations under the following Acts—
  - Highways—
    - Port River Expressway
    - Revocation of Regulations
  - Motor Vehicles—Driver Standards Group
  - Passenger Transport—
    - Animals
    - Standby Taxi Licence
  - Road Traffic—Taxi Zones

By the Minister for Environment and Conservation (Hon. J.D. Hill)—

- Regulations under the following Acts—
  - Environment Protection—EPA Board
  - National Parks and Wildlife—
    - Co-managed Park
    - Unnamed Conservation Park
  - Water Resources—Northern Adelaide Plains

By the Minister for Administrative Services (Hon. M.J. Wright)—

- Response to Report of the Public Works Committee—
  - Public Capital Works Consultancies—205th Report

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

Response to Report of the Parliamentary Committee on Occupational Safety, Rehabilitation and Compensation—Statutes Amendment (WorkCover Governance Reform) Bill
Regulations under the following Acts—
Daylight Saving—Summer Time
Occupational Health, Safety and Welfare—Asbestos
Workers Rehabilitation and Compensation—Maxima Training Group Inc

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

Regulations under the following Act—
Authorised Betting Operations—Fixed-Odds Betting
Rules—
Authorised Betting Operations—Betting Review

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

Phylloxera and Grape Industry Board of South Australia—Report 2003-04
Regulations under the following Acts—
Agricultural and Veterinary Products (Control of Use)—Chemicals
Chicken Meat Industry—Fees
Fisheries—Aquatic Reserves
Livestock—Stock Foods
Maralinga Tjarutja Land Rights—Co-management Board
Meat Hygiene—Retail Meat Processing

By the Minister for State/Local Government Relations (Hon. R.J. McEwen)—

Regulations under the following Acts—
South Australian Local Government Grants Commission—Councils
Rules—
Local Government—Eligible Rollover Fund

By the Minister for the River Murray (Hon. K.A. Maywald)—

Murray-Darling Basin Commission—Report 2002-03

By the Minister for Consumer Affairs (Hon. K.A. Maywald)—

Regulations under the following Acts—
Conveyancers—Correction
Land Agents—SA Homebuyers Seminars
Liquor Licensing—Dry Areas—
City of Onkaparinga
Copper Coast
Plumbers, Gas Fitters and Electricians—Apprentices.

YOUTH CRIME, NORTH-EASTERN SUBURBS

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

Leave granted.

The Hon. K.O. FOLEY: Following a briefing from the Commissioner of Police regarding operations targeting youth crime in the north-eastern suburbs, I would like to inform the house of the excellent work currently being undertaken by the South Australia police force in this area. I can inform the house that a 17-year old male has been arrested and charged with property damage and breach of bail following the incident at Golden Grove High School that resulted in approximately 100 windows being smashed. A 16-year old and a 19-year old have also been charged with being on a school property during prohibited hours. Inquiries are continuing in relation to a further alleged offender.

I can advise the house that on 8 April 2004 the Holden Hill Local Service Area (LSA) implemented Operation Homer in relation to antisocial behaviour, specifically targeting the Modbury Regional Centre and the Golden Grove Village. So far I can advise the house that this operation has resulted in 19 arrests, 13 reports, 79 vehicle defects, 191 traffic infringement notices and 33 cautions. Operation Homer has involved personnel from Holden Hill LSA, supported by the Mounted Operations Unit, Star Group, Northern Traffic Motor Cycles and Transit Police.

The operation has reduced inappropriate activity by groups of offenders in the local area. Operation Impact, a wider operation concentrating on antisocial behaviour by youth, was implemented on 22 July 2004. The Holden Hill Local Service Area tactical group has been targeting recidivist youth offenders in the area. So far this operation has resulted in 50 reports, 21 cautions and 18 vehicles defected. In addition, local police have recently commenced Operation Golden Grove 2004, which targets potential trouble spots in the Golden Grove area. The Holden Hill Local Service Area has implemented a program with two youth liaison officers to problem solve in relation to youth issues in the area.

These officers have now commenced work in the Golden Grove and Tea Tree Gully areas. The Holden Hill Local Service Area Operations Manager chairs the Golden Grove Precinct Stakeholders Group, which is a problem-solving forum involving stakeholders and the Tea Tree Gully council. Both these groups have addressed youth, drug and alcohol problems in the areas. I can say that police will continue to target groups of young offenders. If further information is received, investigations will be rigorously pursued into those allegations.

MOUNT LOFTY RANGES WATERSHED

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: A recent article in *The Advertiser* has highlighted concerns amongst some land-holders in the Adelaide Hills about the Environment Protection Authority's study of development risks in the Mount Lofty Ranges watershed. The region supplies (as members would know) 60 per cent, on average, of Adelaide's water supply requirements. The study was initiated in December 2002 by the Watershed Protection Office in response to concerns about housing developments in environmentally sensitive areas in the hills. The office, which was established in 2000 by the former Liberal government and based at Stirling, has the task of identifying threats to the Mount Lofty Ranges watershed. The study was completed in February 2004 and found that there were 503 vacant allotments in the watershed that had site constraints so severe that they should be classified as unsuitable for housing development. A number of the allotments are owned by private individuals or organisations that may, in the future, be planning to build on their land.

The environmental issues associated with these properties include sewage disposal, location less than 25 metres from a watercourse or location on waterlogged land, location on a one in 100 year flood plain and the clearing of native vegetation or significant trees. The criteria used in the study were independently reviewed last month by New South Wales firm, Edge Land Planning. This review found that the criteria being used by the EPA were reasonable and recommended that they be strengthened. If this recommendation was followed by the EPA, the number of allotments considered inappropriate for development would increase above the 503 identified.

In completing this study the Watershed Protection Office is doing the job that it was established to perform. Let me make it plain that neither the EPA nor the Watershed Protection Office have the power to make decisions about whether or not someone can build on a parcel of land. That decision is left to the relevant planning authorities alone, and in the case of most of the identified properties that is the local council. The government through the Watershed Protection Office is willing to work with councils and other planning authorities to deal with these issues. It is in the best interests of the entire community to address this problem without compromising the quality of Adelaide's drinking water.

I acknowledge that this study has caused concern among the owners of some of these properties who may have an expectation of being able to build on their land. That is why the office and other relevant authorities are working through the issue with the Adelaide Hills councils.

RIVER MURRAY

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

Leave granted.

The Hon. K.A. MAYWALD: I wish to advise parliament of the current water resource conditions within the River Murray system and their implications for South Australia. The extended dry period over the last three years across much of the Murray-Darling system has had a significant impact on water availability to South Australia. With the exception of a four-week period in September and October 2003 South Australia has received monthly entitlement flow or less since November 2001. As members are aware, the government took the unprecedented step of introducing water restrictions on licensed River Murray water users in 2003-04. Improvements in water availability enabled existing restrictions to be eased but not removed during the course of the year.

There is a significant risk that South Australia will not receive its full entitlement in 2004-05. For this reason, the government announced on 7 June 2004 a new package of restrictions on water use from the River Murray for the 2004-05 water year. Decisions on water allocations are determined by the availability of water to South Australia and the prevailing conditions in the river in this state. The decisions are based on indicators that have been agreed by the major irrigator groups and are outlined in a draft drought management strategy. The Minister for Environment and Conservation indicated at the time restrictions were announced in June this year that future announcements on water allocations would be made in the middle of each month from August 2004 onwards.

The Murray-Darling Basin Commission provides a detailed formal assessment of water resources availability based on the situation at the end of each month. The end of August 2004 water resource assessment was that there is a 35 per cent probability that South Australia will not receive its full entitlement of 1 850 gigalitres in 2004-05. The basis for this assessment is that, while Adelaide has received excellent rainfall in the Mount Lofty catchment this year, the extended drought in the Murray-Darling Basin continues to impact on overall water availability in the River Murray system. The assessment at this time indicated that the total Murray-Darling storage levels are approximately 3 500 gigalitres. This is less than 50 per cent of the long-term average storage levels recorded for this time of the year. At the base of the river system, the lack of significant flushing flows over the barrages has resulted in the continued accumulation of salt in the lower lakes, with salinity levels in Lake Alexandrina and Lake Albert remaining at higher than average levels.

However, rainfall has been received across the Murray-Darling Basin in the first week of September. This is likely to lead to improved conditions compared to the end of August assessment. The extent of any improvement in the basin is not yet clear and it will take a number of days yet for the inflow into storage to be properly assessed. Minor flood levels in the Ovens, Kiewa and Goulburn rivers in the past week are unlikely to have a significant impact on flows to South Australia as the flows will initially be mitigated through the overbank spread of the flood waters and then re-regulated into Lake Victoria. However, inflows to storages such as the Hume and Dartmouth dams will influence the volume of water available to South Australia.

In recognising the current level of uncertainty, I have decided to delay the scheduled 15 September announcement on water allocations for one to two weeks. This will allow an accurate assessment of the effect that recent rainfall in the headwaters of the River Murray has had on water reserves, to allow the impact of this rainfall to be included in the allocation decision. I am mindful that irrigators are seeking to make irrigation planning decisions based on the announced allocation decision. For that reason I will not delay my announcement of the allocation decision any later than the week beginning 27 September 2004. Until then, the current water restrictions, which allow 70 per cent of allocation to be used, remain in place.

TOXIC WASTE DUMP, NOWINGI

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

Leave granted.

The Hon. K.A. MAYWALD: During yesterday's question time in answer to a question from the Leader of the Opposition regarding a proposed toxic waste dump I stated the following:

> An environmental impact assessment has been undertaken in respect of this particular issue. We are considering that particular report. . .

I have since been advised that this particular report, which is being prepared by the Victorian government, is not yet completed and therefore has yet to be considered. Nevertheless, as stated yesterday, we will make an assessment on possible risk and I am advised that it is unlikely that this facility will pose a risk to South Australia.

QUESTION TIME

CHILD ABUSE

The Hon. R.G. KERIN (Leader of the Opposition): What action did the Minister for Youth take last year after she met with child abuse advocates and was alerted to the alleged child abuse activity of people who had access to youth under state care? The opposition is aware that the minister met with child abuse advocates late last year and was told of specific allegations against some government employees, and others involved in looking after young people under state care. We have been informed that the follow-up action promised by the minister at that meeting never occurred.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Mawson will not be getting any questions if he behaves like that. The Minister for Families.

The Hon. R.G. KERIN: I rise on a point of order. It was a specific meeting that the Minister for Youth had—

The DEPUTY SPEAKER: Order! That is not a point of order. The minister then is not the minister now. The Minister for Families.

The Hon. R.G. KERIN: Excuse me, sir.

Members interjecting:

The Hon. R.G. KERIN: She is the Minister for Youth. The question is for the Minister for Youth.

The DEPUTY SPEAKER: Order! The longstanding standing order in here is that a minister can answer on behalf of the government. The Minister for Families.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): It is completely and utterly appropriate that I take this question on behalf of the portfolio responsibility for the care of children. The only reason this has come to light and has been dealt with in the way it has is because of the excellent action taken by the member for Ashford when she was in the role of minister for youth. She took immediate and appropriate steps in relation to this important matter. What has been drawn to our attention is a serious allegation. It was acted upon—

Members interjecting:

The DEPUTY SPEAKER: Order! The members for Bragg and Mawson obviously do not want questions. I see they are on the list: they may not be on the list for much longer.

The Hon. J.W. WEATHERILL: The Special Investigations Unit is a body established by the member for Ashford in her capacity as the minister representing the government's interests in child protection. It is a new unit with specialist investigation skills which has got at the heart of these matters. That has meant that this particular person is now before the courts facing accountability, as he properly should.

HEALTH SERVICES, RIVERLAND

Ms THOMPSON (Reynell): My question is to the Minister for Health. How is the Riverland Health Authority undertaking a review of critical services in the region and when does the minister expect the authority to advise her of the findings of this review?

The Hon. L. STEVENS (Minister for Health): I thank the member for Reynell for this very important question. I am certainly pleased to have the opportunity to clarify comments made about this review by the member for Finniss.

The Riverland Health Authority has engaged Professor Carol Gaston and Dr Michael Rice to undertake a clinical services review of health services in the Riverland. The purpose of this review is to engage the community in the development of future directions of regional health services and the roles of individual health units to improve the delivery and quality of services. I assure the house that this is about improving services in the Riverland. The community consultation process includes public meetings, invitations for written submissions, and targeted discussions with key stakeholders including health units, local government, medical practitioners and the public. The process is completely transparent and offers the opportunity for the community to be fully involved.

So far in the process, Professor Gaston has provided the Riverland Health Authority with a preliminary report summarising the findings of her research, incorporating input based on consultation with the Riverland community and making some 40 findings.

The Hon. Dean Brown interjecting:

The DEPUTY SPEAKER: Order, the member for Finniss!

The Hon. L. STEVENS: This preliminary report has been released to the Riverland health units for their consideration and copies are available to the public from the Riverland hospitals and from public libraries. Public comment closes on 1 October 2004 and the final report is due to be presented to the Riverland Health Authority in late October.

After the Riverland Health Authority has completed this work, the report will be referred to me and the government will consider any proposals for change. As I have already said, the purpose of the review is to improve services in the region and I am acutely aware of important local issues, including the need to ensure that service models continue to attract and retain health professional staff to the region and that services are accessible to the community. I can assure the Riverland community that I will be working with my colleague, the Minister for the River Murray, on these proposals.

This is an opportunity for the regional health authority—which, I remind members, was established under the Brown government—to finally have an input into how services are delivered to the people in their region.

Mr Venning interjecting:

The DEPUTY SPEAKER: Member for Schubert, we know that Ivan is causing mayhem in the Caribbean: we do not want Ivan causing mayhem in here.

CHILD ABUSE

The Hon. R.G. KERIN (Leader of the Opposition): Can the Minister for Youth explain to the house why the follow-up action she promised to child abuse advocates last year in relation to accusations of possible child abuse never occurred?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I understand that I am the relevant minister to answer that question. I ask the honourable member to repeat his question because I did not hear it.

The Hon. R.G. KERIN: I will happily do that. The question is actually to the Minister for Youth, who may have heard it. Can the minister explain to the house why the follow-up action she promised to child abuse advocates last year in relation to accusations of possible child abuse never occurred? I am not too sure how you will be able to answer that.

The Hon. M.D. Rann: He is trying to be tough! My word, he's tough!

The DEPUTY SPEAKER: Order! The Premier is out of order. The Minister for Families.

The Hon. J.W. WEATHERILL: Mr Deputy Speaker, what more could we do than commit an extra $210 million into the system to address the needs of child protection in this state in the future? But, if this is some bizarre reference back to the particular incident that occurred in relation to some public servant, I repeat the steps that have been taken. Senior police investigators allocated—

The Hon. W.A. MATTHEW: I rise on a point of order, Mr Deputy Speaker. A very specific question was asked of

the minister about what action she took after a meeting that she had. The minister's answer has nothing to do with that meeting.

Members interjecting:

The DEPUTY SPEAKER: Order! It is hard enough to hear what should be the discourse without all the mumbling and murmuring. The member for Bright has a point of order.

The Hon. W.A. MATTHEW: Yes, my point of order is that a very specific question was asked of the Minister for Youth about a meeting she had and action that she promised she would undertake but has not been undertaken. The minister's answer—

The DEPUTY SPEAKER: Order! The member has made his point. The minister cannot be directed by the chair to answer in a particular way but the minister should seek to be relevant under standing orders. The minister.

The Hon. J.W. WEATHERILL: Mr Deputy Speaker, what I report to the house are the facts that have occurred in this important area of government activity. This government has established a special—

The Hon. R.G. KERIN: I have a point of order, Mr Deputy Speaker. This is not relevant to the question that was asked. The question was very specific and, quite frankly—

The DEPUTY SPEAKER: Order!

The Hon. R.G. KERIN: —I cannot see how the minister can answer a specific question for another minister.

The DEPUTY SPEAKER: Order! The leader has made his point. The minister has been asked to be relevant. I cannot compel him to be more specific than that. The minister.

The Hon. DEAN BROWN: Mr Deputy Speaker, there are standing orders—

The DEPUTY SPEAKER: Order! Is this a point of order?

The Hon. DEAN BROWN: Yes, this is a point of order under standing order 98. Under standing order 98 the minister cannot debate the issue: he must answer the question. It is your responsibility as Deputy Speaker to uphold the standing orders.

Members interjecting:

The DEPUTY SPEAKER: Order! The chair cannot make the minister answer anything in particular. The minister is asked to be relevant. If he does not wish to be relevant, he should sit down. The minister.

The Hon. J.W. WEATHERILL: Mr Deputy Speaker, an allegation has been made that some meeting has occurred and some steps may have been required to be taken afterwards. I am telling the house what steps the government has taken in relation to the Special Investigations Unit and, in particular, in relation to the matter that has been referred to.

The Hon. W.A. Matthew: That is not what the question was. We want to know what the minister did.

The Hon. J.W. WEATHERILL: It was a very general question. If you go back and look at it, you would realise that it was a very general question.

The DEPUTY SPEAKER: I think the minister has answered the question. If he is not going to address the issue of the meeting, I think he should sit down.

The Hon. J.W. WEATHERILL: Sir, the Special Investigations Unit was established. It is headed by—

Members interjecting:

The DEPUTY SPEAKER: Order! If the minister does not want to address the specific issue of the meeting—

The Hon. J.W. WEATHERILL: If I can get out more than two or three words, I might be able to assist the house.

The DEPUTY SPEAKER: I think the minister has made his point that the government has responded in a general way. If he does not want to answer the specifics, I think he should sit down.

The Hon. J.W. WEATHERILL: I still have additional information to provide to the house.

The DEPUTY SPEAKER: The minister is not to argue with the chair. I call the member for Enfield.

The Hon. R.G. KERIN: In relation to the question for the Minister for Families and Communities—

The DEPUTY SPEAKER: Order! I have called the member for Enfield, so the leader will have to wait until later.

The Hon. R.G. KERIN: The minister was still on his feet, sir. I was using a bit of courtesy.

The DEPUTY SPEAKER: We can come back to the leader. The member for Enfield. We have 49 minutes to go, unfortunately.

SCHOOLS, SECURITY

Mr RAU (Enfield): My question is to the Minister for Education and Children's Services. What steps are being taken to improve security in our state schools?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Enfield for his question and for his tireless support for schools in his electorate. Since 2002 the government has been committed to working tirelessly to reduce the senseless vandalism and destruction that has occurred to our physical assets in schools. We have implemented a $4 million package over four years, which is proof of our commitment to reducing the incidence of crime and increasing the physical security of all our schools.

I was pleased to inform the house today that a further 50 schools across the state will receive security upgrades that will lift to 151 the total number of schools having received these upgrades since we were elected. Our schools are important community assets and must be properly protected. Money spent replacing broken windows, removing graffiti or rebuilding fire damaged properties is entirely wasted. Each dollar we spend should be spent on education and not on rebuilding damaged facilities.

The security systems particularly help police to catch those who are responsible and, in addition, act as a deterrent for both criminals and vandals. Sometimes even the most simple adjustment, such as lighting in the right areas, movement activated lighting and strategically placed fencing, can make a major difference to our schools' security. The sort of devices we have installed include upgraded and extended alarm systems; new security fencing and lighting to reduce trespassing; and, securing buildings against break and enter. In addition we have implemented some new siren systems to clearly identify actions such as evacuations and make it clear when the school building is unsafe.

I commend my predecessor in the ministry as I know she was active in working to improve the school care processes and having a centre of excellence that provides resources, skills and training for those people involved in protecting our schools. Not only has the state government put money into improving our physical security resources but also we have introduced crime prevention modules into the curriculum to teach children about the impact and consequences of crime. These steps indicate a strong commitment from our government to making our school communities safer for all children

and making sure that every dollar spent is spent where it should be: on educational outcomes and not on remedial work for vandalism, graffiti and acts of that sort.

CHILD ABUSE

The Hon. R.G. KERIN (Leader of the Opposition): Has the Minister for Families and Communities been briefed on the previous minister's meeting late last year with child abuse advocates? Was he given details and was he briefed on what action was promised and what investigations had been actioned?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): When I came to this portfolio I received a full briefing on all the issues currently in place or initiated by the previous minister. The previous minister was responsible within three weeks of our coming to government for initiating the Layton review. All our unstinting efforts since that day have been about improving on our child protection system. I will take on notice the question about a particular meeting. I also ask the leader whether he might be able to provide a few helpful details—

Members interjecting:

The Hon. J.W. WEATHERILL: The former minister and I meet with many advocates on behalf of people who have grievances. We hear one story after another. If we could be given a little bit of assistance to find out which of the myriad meetings you are directing your attention to, we may be able to help you and possibly the house.

BAIL HEARINGS

Mr SNELLING (Playford): What has the Attorney-General done to ensure that victims' safety concerns are being taken into account during bail hearings?

The Hon. M.J. ATKINSON (Attorney-General): As members may be aware, there has been much recent discussion on Leon Byner's radio 5AA program about successive breaches of bail by a certain individual. The member for Mawson, in particular, has commented on what he alleges is the government's failure to act in the matter. As I hope all members know, making submissions on bail or adjudicating bail applications are functions denied to me and, indeed, all members of parliament by the constitution and the law.

The Hon. R.G. Kerin: With good reason!

The Hon. M.J. ATKINSON: And the Leader of the Opposition interjects 'with good reason'. I hope that he would let the shadow attorney-general know those reasons.

The Hon. R.G. Kerin interjecting:

The Hon. M.J. ATKINSON: So, the shadow attorney-general would be okay at such adjudications, says the Leader of the Opposition. I have no authority to direct the Magistrates Court or police operations. It would be improper for me to do so; and, to his credit, the member for Mawson has conceded that on radio when pressed by Leon Byner.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: To me. What I can do, as I have told the member for Mawson and talk-back listeners, is to help victims ensure that their concerns are available to prosecutors in the court the next time the question of bail arises. I have written to Leon Byner and the member for Mawson asking them to provide me with any information they have about these victims.

Mr Brokenshire interjecting:

The Hon. M.J. ATKINSON: Well, then, perhaps you could—

The DEPUTY SPEAKER: Order! The member for Mawson is out of order.

The Hon. M.J. ATKINSON: I asked the Victims of Crime coordinator to establish whether the safety concerns of these victims were being taken into account in bail hearings. I am pleased to say that, on my behalf, the Victims of Crime coordinator has gone to great lengths in his attempts to contact the victims. He has spoken to staff at various shelters in the Adelaide CBD about the particular individual and his alleged victims. He attempted to obtain addresses for these victims, but to no avail. He visited one last known address and left a telephone message at the last known telephone number for another. He left letters for the victims at the shelters and reviewed bail records.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: Well, yes. The member for Heysen sort of belittles the efforts by saying, 'Yes, but all the evidence would be hearsay.' However, we are at the demand of the member for Mawson and the shadow attorney-general trying to take a constructive role in these bail applications. From reading court records, the Victims of Crime coordinator has ascertained that, on some occasions, police opposed bail, stating the safety concerns of witnesses and victims, but the individual was given bail by the courts. This individual has been granted bail at different times by courts and police; but, most recently, he has been remanded in custody and is today behind bars.

Mr Brokenshire: Twelve breaches of bail and your government did nothing!

The DEPUTY SPEAKER: Order! The member for Mawson will come to order.

Members interjecting:

The DEPUTY SPEAKER: Order! The member for Mawson has just slipped down the call list and, if he slips any further, he will be right off it. The Attorney-General.

The Hon. M.J. ATKINSON: It is not clear to me what it is the member for Mawson wants me to do other than that which I have done; and what I have done in conjunction with the Victims of Crime coordinator, certainly, is much more than the Hon. K.T. Griffin of blessed memory had ever done on a bail application where victims claimed that their concerns were not adequately taken into account. If I receive further information about or from these victims, I will do what I can to assist them the next time the question of bail arises.

The other thing to say is that I am contemplating a small amendment to the Bail Act soon which I think would alert those granting bail (namely, the magistrates) to these concerns perhaps more than the current bail law does; and I am pleased to say, because the Bail Act is currently before the parliament for another purpose, that it will be easy to slip in this amendment, subject to the cooperation and consent of the opposition.

CHILD ABUSE

The Hon. R.G. KERIN (Leader of the Opposition): My question is to the Minister for Families and Communities. Since charges of child abuse were laid against a senior public servant, has the minister now been made aware of previous occasions where reports of that person's alleged activities were made to senior FAYS staff without appropriate investigation or follow-up?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I think it would be inappropriate for me to speculate on any of the particular details of this case, given that it is a matter presently before the courts.

Members interjecting:

The Hon. J.W. WEATHERILL: There is this small matter—

The DEPUTY SPEAKER: Order! In the view of the chair, this matter should not be canvassed because it is either in the court or about to be in the court, and I rule that it is out of order.

Members interjecting:

The DEPUTY SPEAKER: Order! The question was getting into specifics about a particular individual, and I think it is out of order to canvass them here.

BUS SERVICES, GAWLER

Mr O'BRIEN (Napier): My question is to the Minister for Transport. What has been the outcome of discussions between the state government and Gawler council to improve passenger bus services in Gawler?

The Hon. P.L. WHITE (Minister for Transport): There have been discussions between the state government and local government in Gawler about ways to improve bus transport services around the town of Gawler. Obviously there was some unmet need in terms of the number of services that were available on defined routes. A number of areas of Gawler were not being serviced and the couple of services that were operating on any particular route were not frequent enough for many users. We are taking an innovative approach to passenger transport in Gawler, and we have just introduced a pre-booked, door-to-door service which provides greater flexibility and convenience to commuters.

This service is a result of work undertaken between the state government and local government—chaired by Tony Piccolo, Mayor of Gawler. The service is being operated by local company Philmax. It came into effect on Monday 30 August and offers passengers a dial-a-ride service from 9 a.m. to 3 p.m. every day and, additionally, from 7 p.m. to 10 p.m. on week days—so a night service as well. It will operate around the township of Gawler and parts of the adjoining communities of Hewett, which is experiencing large growth, Kalbeeba and the Gawler belt. It is a flexible service which is being introduced in response to feedback from the community directly. It is a more cost-effective service which means that, for the same amount of money, the service can provide a lot more trips for customers and it is a door-to-door service, which is very convenient.

People living in the region said that they wanted bus services that were easier to access and more convenient. They wanted a lot of varied destinations within Gawler and beyond, and they wanted greater convenience. The new service delivers on all those requirements and will significantly improve services for Gawler residents, particularly those who do not have access to private vehicles. The elderly, parents with children particularly, and people with disabilities are being catered for as well and are benefiting from the new door-to-door service.

Features of the new service include a fleet of modern vehicles suitable for the frail and elderly and a wheelchair accessible vehicle should it be required by passengers. This is an outstanding outcome which has come about through close cooperation between state and local government (in this case, the Town of Gawler). People can ring up at one hour's notice and arrange to be picked up from their home. This is a great new initiative. It is a first for South Australia—in fact, we believe it is the first of its kind in Australia—and we anticipate that, whilst the operators of the previous service offered a very credible service which was liked by many Gawler residents, clearly there was unmet need, and we anticipate that what has been put in place now will serve more people more often.

FAMILY AND YOUTH SERVICES

Mrs REDMOND (Heysen): What action did the Minister for Families and Communities or FAYS take when FAYS was notified by the Child and Youth Health Universal Home Visiting Program that the welfare of a baby at Victor Harbor was possibly at risk? On 21 July the Minister for Health tabled a response to my questions of 26 May and 3 June advising that the home visiting team had assessed this baby as being at risk in some way and had notified FAYS. In his response to my estimates question of 22 June, the minister confirmed that FAYS was notified but he failed to advise what action was taken by FAYS upon receipt of the notification.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): That question was asked some time ago. An answer has been prepared, but I do not know where it is in the system. I am sorry that I do not have it with me today, but I understand it will be tabled in the house on the next day of sitting or—

Mrs REDMOND: On a point of order, Mr Deputy Speaker, I indicated in my explanation that I have received the minister's response but that all he indicated in that response was that FAYS had been notified, which we already knew because the Minister for Health had told us that in previous answers. All I want to know is: what did FAYS do when it was notified?

The DEPUTY SPEAKER: Does the minister want to respond?

The Hon. J.W. WEATHERILL: The philosophy contained in the act binds me and all of us because we passed this legislation. The act provides that we cannot go into detail when discussing individual FAYS cases. That has been done for the simple public policy reason that we not identify children or the circumstances of FAYS investigations. That is what happens under the act which was passed by this very parliament. If members opposite do not like it perhaps they should bring in an amendment and we can debate whether it is appropriate to rake over the coals every family's personal circumstances in this house. Appropriate steps were taken by the agency in providing support to the family at the relevant time. Whenever there is a death, I know that members opposite—

Members interjecting:

The DEPUTY SPEAKER: Order! The Minister for Infrastructure is out of order. The Minister for Families has the call.

The Hon. J.W. WEATHERILL: Whenever there is a non-accidental death of a child and whenever FAYS (or the new organisation CYFS) has anything to do with the family, members opposite want to draw a causal connection and say that more could have been done to prevent the child's death. That is axiomatic. It will always be the case that more could have been done with the benefit of hindsight. Indeed, every time we go into a family situation we could take away every child and then we would be absolutely certain that there

would never be a non-accidental death within that family, but that would be stupid. If we did that, members opposite would be howling at us about breaking up families. They would be howling at us about being anti-family, that we are about breaking up families. They do not understand this debate—

Members interjecting:

The DEPUTY SPEAKER: Order! The minister will resume his seat.

The Hon. J.W. WEATHERILL: —they don't care about this debate, and they've done nothing—

The DEPUTY SPEAKER: Order! The minister will resume his seat. I make it clear that when the chair requests someone to take their seat they must do so immediately or they will find themselves out the door. There were people interjecting on both sides. I think the member for Bragg thinks she can hide behind the member for Morialta when she interjects. The chair is aware of that. Does the minister for families wish to say anything further?

The Hon. J.W. WEATHERILL: No, Mr Deputy Speaker.

INTERACTIVE GAMBLING ACT

Mr KOUTSANTONIS (West Torrens): My question is to the Minister for Recreation, Sport and Racing. What representations has the minister made to the federal government's review of the commonwealth Interactive Gambling Act and what are the implications for this state of the federal government's decision?

The Hon. M.J. WRIGHT (Minister for Recreation, Sport and Racing): South Australia was a signatory to formal representation made to the federal Minister for Communications seeking to prohibit the operation of betting exchanges. The federal government reviewed the Interactive Gambling Act (I think that took at least 12 months) and, as a result of that review, the federal government announced a decision to take no regulatory action in relation to betting exchanges.

Most of the states have an opposite view, as do many of the stakeholders. That decision, effectively, has allowed UK based betting exchanges, and the one that is best well known is Betfair, to continue to operate as parasites on the Australian racing industry. The states and the territories do not have the constitutional powers relating to telecommunications and banking regulations to effectively impose licensing restrictions or conditions on internet based wagering operations. That is why it is critical that the federal government takes an active role in this particular area.

The federal government's decision effectively ensures that betting exchange operators can continue to thumb their noses at both state and territory governments. We need to take into account that this is a recent phenomenon when we talk about gambling, primarily in the racing industry, but for that matter it could occur across sports betting as well. On the internet, a betting exchange brings together two punters, one wanting to back a winner, and one wanting to back the loser. This is unheard of in Australian racing standards and it puts at risk the integrity and compliance issues which are so critical to the ongoing success of the racing industry.

The federal government had an opportunity to do something about this. It took representation through this review process from peak bodies representing the codes, from the TABs around Australia, and from welfare agencies who also submitted strong cases in regard to the importance of banning this type of operation. The federal government has actually risked the integrity of the racing industry because this provides the opportunity for someone to go on to the internet and back something to lose. That puts at great risk the integrity of racing, and it is something that we should not tolerate. It puts at risk not only the integrity of racing but also the financial health of the racing industry, because if people have the opportunity to do that rather than bet on the TABs or with bookmakers, and as a result of that large amounts of that money are going back to the racing industry, that risks the ongoing financial viability of the racing industry.

The other important component of which we should be mindful is problem gambling, a very real and live issue with this form of gambling as well. So, for three reasons at least the Howard Liberal government has ducked this issue. They should have banned betting exchanges and they should not have allowed them to operate in Australia. We have seen the examples of what has occurred in the UK and we simply do not want that to occur here in Australia.

INFANT HOMICIDE

Mrs REDMOND (Heysen): Will the Minister for Families and Communities detail the findings of the evaluation of the roles of each government agency involved in the case of the Victor Harbor baby? On 26 May 2004 the minister stated in the house that not only would the police be carrying out an investigation but also that he would call for 'an evaluation of the role of each government agency in relation to this matter'. Further, the minister stated in response to a question on 26 May 2004:

> I am anxious to ensure that this house is fully informed about these matters.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): No, we will not be publishing such an evaluation.

Members interjecting:

The DEPUTY SPEAKER: Order!

Mrs REDMOND: I couldn't hear the answer at all.

The DEPUTY SPEAKER: Order! There were so many people expelling air that I could not hear, either.

The Hon. J.W. WEATHERILL: I am sorry, sir. No, we will not be publishing such an evaluation.

Mrs REDMOND: Will the Minister for Families and Communities assure the house that the child death and serious injury review committee will reinvestigate the case of the baby who recently died at Victor Harbor? By way of explanation, the minister's media release of 6 September 2004 states that the Child Death and Serious Injury Review Committee will investigate non-accidental deaths and serious injuries of children. He also stated on 5DN radio that day that the committee was established to 'overcome systemic errors of the past' and to 'learn from what we have failed to do to prevent future deaths'. My question is: will he then reinvestigate the death of that baby?

The Hon. J.W. WEATHERILL: This would be an appropriate matter for the Child Death and Serious Injury Review Committee to consider and, no doubt—subject, of course, to its workload—it will look at a range of cases both current and past when it begins its work very shortly.

EDUCATION, FUNDING

Ms CHAPMAN (Bragg): Will the Minister for Education and Children's Services advise the house whether the state

government will increase its education funding in line with the federal Labor national resource standard package announced by the federal opposition leader yesterday?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I am delighted by the question from the member for Bragg because she is obviously highly confident that the next federal government will be a Labor one. I would be very happy to—

Members interjecting:

The DEPUTY SPEAKER: Order, members for Mawson and Playford!

The Hon. J.D. LOMAX-SMITH: I would be happy to pass on her congratulations and good will to federal Labor because at last she has said what she has not said for two years—that is, that schools deserve extra funding. She has not once stood beside the state government and supported our claims for increased funding for public schools when we have begged and asked federal Liberal. She has not once done that. In fact, whilst we have put 16.7 per cent extra funding into public schools, she has done nothing but bring the old hobby horse forward. And what does she want? She wants funding to be—

Mrs REDMOND: I rise on a point of order. My understanding of the standing orders is that debate is not to be undertaken in answering a question but it seems to me that the minister is debating the issue.

Members interjecting:

The DEPUTY SPEAKER: Order! The minister is tending to debate. I suggest that the federal electioneering be left to the federal members.

The Hon. J.D. LOMAX-SMITH: As I said, we have gone a long way to redressing the funding imbalances left to us when we came into government and have increased the funding by 16.7 per cent into public schools.

Members interjecting:

The DEPUTY SPEAKER: Order, member for Waite!

The Hon. J.D. LOMAX-SMITH: Now, I would have hoped that the member for Bragg might have supported federal Labor's funding package for schools because it means more money to South Australian schools—not just to her constituency, which is the high fee independent schools, but to those low fee Catholic and other Christian schools, and other independent schools.

Ms CHAPMAN: I have a supplementary question. Will the minister confirm that she will increase the funding in accordance with the package for the resource level? That was the question.

The Hon. J.D. LOMAX-SMITH: I think that once again the member for Bragg is congratulating us for this historic accord with federal Labor, because this is the first time that state governments have begun to seriously work with a federal leadership to create a package that will produce fairness and equity. The funding agreement that was signed in an historic shape was that we would lift the funding of all schools in South Australia to a benchmark. Now, I know that the member for Bragg does not understand the idea of equitable funding and funding according to needs. I know that she does not like the idea of lifting the funding—

Mr HAMILTON-SMITH: I rise on a point of order. Once again the minister—

Members interjecting:

The DEPUTY SPEAKER: Order! The house will come to order! Member for West Torrens—you may not be on the list if you are not careful!

Mr HAMILTON-SMITH: Mr Deputy Speaker, you previously ruled on debate. The minister is debating the answer.

The DEPUTY SPEAKER: I think the minister has answered the question. The member for Giles.

FOSSILS

Ms BREUER (Giles): My question is to the Minister for Environment and Conservation. What is the state government doing to improve the protection of South Australia's unique fossil heritage?

Members interjecting:

The DEPUTY SPEAKER: Order! I would ask the minister not to get personal about this.

The Hon. J.D. HILL (Minister for Environment and Conservation): Thank you, Mr Deputy Speaker, and I give an undertaking that I will not refer to the opposition backbench nor to the other place. South Australia has some extraordinary fossil deposits, some of which are currently without adequate protection from indiscriminate collection.

Members interjecting:

The Hon. J.D. HILL: Sir, this is a very serious issue. Examples of significant fossils include the unique Ediacaran fossils in the Flinders Ranges. These contain evidence of some of the earliest complex life forms on earth. We also have the Lake Callabonna Pleistocene vertebrates site and the Cambrian invertebrates at Big Gully on Kangaroo Island—some remarkable and unique fossil collections in South Australia. Fossils such as these need to be protected from damage through inappropriate research activities or from being stolen by illegal collectors (and there is quite an industry in taking fossils from South Australia).

Recently, the government released a public discussion paper on the protection of fossils in South Australia. One of the aims of the discussion paper is to gauge the community's views on the need for new legislative measures to improve protection of these unique fossils. At the moment, fossils in South Australia only have legal protection if they are found in a national park or other protected area. The public discussion paper aims to find out from stakeholders if an additional level of protection is needed which would cover the collection of fossils from outside these protected areas.

Legislation is only one of the tools that may be needed to protect fossils in this state and the discussion paper also seeks comments from stakeholders on the need for increased management and tourist interpretation of significant fossil sites (and I know the Minister for Tourism is particularly interested in this issue). This would increase the number of visitors and raise awareness of the value of fossils to help reduce the risk of theft for the international black market.

While we need to clearly define the ownership of fossils and to establish measures to protect significant types of fossils, the state government wants to ensure that this is done in consultation with the community. The aim is to ensure that there is a consistent system in place to protect our rare and valuable fossils while still making them available to approved research activities and tourism. Comments on the discussion paper can be made until 8 November when the fossil working group will assess submissions and provide a report to the government on appropriate protection measures.

The Hon. I.F. EVANS (Davenport): I have a supplementary question to the Minister for Environment and

Conservation. Can the minister explain why it has taken the department four years to produce a discussion paper?

The Hon. J.D. HILL: This is another one of 'gunna' Evans' questions. He comes out of the trenches periodically to say that when he was in government he was 'gunna' do these things. I am not sure what he did when he was in government, but I can assure him that in the time I have been there we have made sure that this paper has been produced. It is out for consultation now, member for Davenport, unlike your term in office when nothing was done.

SCHOOLS, FUNDING AGREEMENTS

Ms CHAPMAN (Bragg): My question again is to the Minister for Education and Children's Services. Will the minister advise the house what specific agreements have been entered into between the state government and the federal opposition leader (which we have heard the Premier say he has entered into) concerning the schools policy and including the funding commitment to and funding impact over the period between now and 2012; and will the minister table those agreements?

The Hon. M.D. RANN (Premier): Do you know something? I would be very honoured to table the agreement, because do you know what the difference is? The difference is that this provides—

Members interjecting:

The Hon. M.D. RANN: They do not want me to answer the question—

Mr Koutsantonis interjecting:

The DEPUTY SPEAKER: The member for West Torrens is out of order.

The Hon. M.D. RANN: This agreement is about providing more funds for state schools and more funds for the vast majority of Catholic, independent and Christian schools. I know members are a bit sensitive on this issue, but it is a very good deal. Would it not be great to work in partnership with a federal government that is committed to education rather than what we have seen in the past, whereas we have a situation where it is constantly one step forward and one step back?

The Hon. Dean Brown interjecting:

The DEPUTY SPEAKER: Order, the member for Finniss!

The Hon. M.D. RANN: The Deputy Leader of the Opposition seems to be in a state of high agitation.

The DEPUTY SPEAKER: Order!

The Hon. M.D. RANN: I can understand his sensitivity on this matter when we remember his record as premier and the record of his government in both health and education. A Latham government offers a real partnership for the future, which is about a commitment to our kids as opposed to a few of your mates.

Ms CHAPMAN: By way of supplementary question, sir—

The DEPUTY SPEAKER: Supplementary questions should be the exception rather than the rule.

Ms CHAPMAN: I appreciate that, sir. The Premier has indicated his familiarity with the agreement and, accordingly, I ask him whether his government has committed to the increase in funding by his government to the national resource standard package. She (the Minister for Education) didn't answer.

The Hon. M.D. RANN: Not only will I table the agreement, but also I will answer this the way I want to. Remember how you never used to answer questions? I will table the agreement so that you can look at it, but let me tell you this: Labor's policy—

The DEPUTY SPEAKER: Order! The Premier will resume his seat. The member for Finniss.

The Hon. DEAN BROWN: This question requires a yes or no answer; otherwise, the Premier is simply trying to debate it. The issue is that he will not give a yes or no answer. Let us see if he will give a yes or no answer.

The DEPUTY SPEAKER: Order!

The Hon. M.D. RANN: This is the new tough approach.

The DEPUTY SPEAKER: Order! The Premier will resume his seat. The member for Finniss was debating the issue himself.

The Hon. M.D. RANN: We were told with heightened expectation that they would come marching in, having done two months of tough research. My word, he's tough! The Leader of the Opposition is tougher than John Meier!

Mr Brokenshire: You are a facade and a joke. They are waking up to you.

The DEPUTY SPEAKER: Order! The member for Mawson has slipped right down the call list now.

Mr WILLIAMS: We have just spent 49 minutes of question time and barely had a question answered. The Premier is trying to answer questions that were not even asked and is debating them.

The DEPUTY SPEAKER: Order! Standing Order 98 is about debating the question: we know what it is—he has made his point. The Premier will not debate the matter but will answer the question. I think he has concluded.

The Hon. M.D. RANN: The 21st century standard of schooling will make sure that every Australian school gets the resources it needs to deliver a great education. Labor's policy will lift 95 per cent of schools—and that is 9 400 schools across Australia currently funded below the standard up to this national resource standard by 2003.

Ms CHAPMAN: On a point of order—

The DEPUTY SPEAKER: Order! The chair has already made the point that we are not electioneering in here. The point of order of the member for Bragg is what?

Ms CHAPMAN: My point of order is that, unless the Premier is reading from the federal/state education agreement, which he has indicated he will table in the house, it is irrelevant in relation to the policy being outlined, and I ask you, sir, to rule accordingly.

The DEPUTY SPEAKER: I understand that the Premier has agreed to table the document.

The Hon. M.D. RANN: I am very happy to table the document I was reading from. It is dated Wednesday 15 September and is a news release from the Hon. Jane Lomax-Smith, Minister for Education and Children's Services.

Ms CHAPMAN: I rise on a point of order, sir. It appears that, perhaps, the Premier misunderstood my point of order, which is that—

The DEPUTY SPEAKER: Order! The member for Bragg will resume her seat. It is up to the chair to understand the point of order. The member for Florey has the call.

The Hon. M.D. RANN: What is going on today, and what it is really all about, is that the Leader of the Opposition was told to lift his game and go negative, otherwise he would lose his job.

The DEPUTY SPEAKER: Order! The Premier will resume his seat.

Members interjecting:

The DEPUTY SPEAKER: Order! The Premier was defying the chair and turning his back to the chair, which is not acceptable. The member for Florey has the call. The Premier did not have the call and should not have assumed that he had.

FOSTER CARERS

Ms BEDFORD (Florey): My question is directed to the Minister for Families and Communities. What initiatives are being undertaken to support South Australian foster carers in fulfilling their important role?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): Of course, this is national Foster Care Week, and I would like to acknowledge the important role that foster carers play in our system of alternative care. It is a key element of our child protection policy that we better support foster carers. I can announce a state government grant of $30 000 for 12 months to support Connecting Foster Carers, a new organisation that represents foster carers in this state. It is an important announcement, and it is an emerging peak body that will support foster carers and relative carers in the community.

We have also committed to developing a new charter for foster, relative and kinship carers. Many foster carers feel as though they are being treated like second-class citizens. They play this crucial role, which saves extraordinary amounts of money for the community in terms of caring for these children. They take into their homes and provide care to children who are often very difficult and damaged, and they do so often with very little assistance or help. It is important that we build a new relationship with foster carers and recognise the important work that they do in this community.

We have committed to a number of things to take the burden off foster carers. The first is to speed up the reimbursement of agreed incidental expenses, because that has been an ongoing source of concern. We trust them with children, we trust them with my children, but we are sceptical about them when they claim expenses, and those two things simply do not sit together. The recent establishment of a new state-wide foster care recruitment service will aim to attract new foster carers into the idea of fostering, and a publicity campaign including an 1800 number will be launched shortly.

Service agreements with alternative care providers will improve support and training for foster carers and relative carers; and, importantly, the recent appointment of Carmel O'Loughlin as Director, Foster Care Relations, will provide an important new interface between government and foster carers. Most importantly, we can give priority access to guardianship kids to state government services, and we have provided that commitment. It is a cabinet decision. We must now make sure that this happens in practice. The person who will guide that process of ensuring that state government services are provided in a priority way to every guardianship kid will be the new guardian for children and young people in care, Pam Simmons.

GOVERNMENT RECORDS

The Hon. R.G. KERIN (Leader of the Opposition): My question is directed to the Minister for Families and Communities. Will the government commit to work with the non-government sector to implement recommendation 13 of the Senate report on forgotten Australians, which states:

> All government and non-government agencies immediately cease the practice of destroying records relating to those who have been in care.

In its report, the Senate committee states:

> The destruction of ward records in South Australia stands out as being a particularly disgraceful event and reflects a lack of understanding of the importance of identity and the duty of care that governments have to care leavers.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I can agree with that. Indeed, that policy had ceased some years after it commenced. I think it commenced in 1973 and ceased in 1982. Of course, it applied not only to the records of children in care but also to a range of records around government. A very short-sighted policy around that time was that storage was at a premium, and someone got it into their head that it was important to cull the number of state archives. There was also a prevailing philosophy—a wrong-headed philosophy—of privacy taking a much bigger role than the preservation of archives. Of course, that was a wrong view and now many records are lost. However, there is a much greater respect for state records, and certainly this government takes seriously the importance of preserving those records.

The retrieval of records will be a very important function within the new inquiry and we have already realised that that will be an important issue. When we are aware of someone who wishes to come before the inquiry, we will take steps to ensure that all government departments cooperate with the inquiry to provide those records in a timely fashion; and, as members would be aware, one of the terms of reference for Commissioner Mullighan is to inquire into the circumstances of the destruction of those records. We know that it is an upsetting matter when people try to access their records to find out important things about their past and realise that they are not there.

TRANSPORT SA

Mr BROKENSHIRE (Mawson): Will the Minister for Transport inform the house if she or any of her ministerial staff have been advised of any problems that Transport SA staff in the licensing review section at Oaklands Park are having either in adhering to legislative or management procedures?

The Hon. P.L. WHITE (Minister for Transport): The honourable member asked a question around this topic yesterday. He undertook to provide me with a letter so I could investigate. Quite frankly, I had no idea what he was talking about and I still have no idea what he is talking about. Fair's fair! He gets up in the house and makes a big deal. He went on television last night and said that there was some big issue, yet he will not even say what the problem is. I have no idea what he is talking about. He says he has a letter. He has not handed it over.

The Hon. W.A. Matthew interjecting:

The DEPUTY SPEAKER: The member for Bright will come to order!

The Hon. P.L. WHITE: Will the member for Mawson hand over this letter he reckons he has?

Mr Brokenshire: I am asking you.

The Hon. P.L. WHITE: Have you got a letter?

The DEPUTY SPEAKER: Order!

The Hon. P.L. WHITE: I say to the member for Mawson—

Mr Brokenshire interjecting:

The Hon. P.L. WHITE: Why won't you hand it over?

The DEPUTY SPEAKER: Order!

The Hon. P.L. WHITE: How can I investigate something when he will not tell me what the charge is? He comes in and says that there is illegal activity going on. Well, what, for goodness sake? What?

Mr BROKENSHIRE: I have a supplementary question, sir.

The DEPUTY SPEAKER: Order! I think the minister asked three questions, then you are going to answer it. Do you have the letter?

Mr BROKENSHIRE: I am happy to answer it; indeed I am. My supplementary question is: given the minister's last answer, will the minister come with me to meet with those 20 staff so that we can get to the bottom of the problem?

Members interjecting:

The DEPUTY SPEAKER: Order!

The Hon. P.L. WHITE: Sir, what sort of a politician comes into this house, makes an allegation, says that he has a letter, but he will not show it?

Mr Brokenshire interjecting:

The Hon. P.L. WHITE: Who is the letter from?

The DEPUTY SPEAKER: Order!

The Hon. P.L. WHITE: He will not even say whom the letter is from.

The DEPUTY SPEAKER: Order! The minister will resume her seat.

The Hon. P.F. CONLON: Mr Deputy Speaker, I have a point of order. Is it proper for the member for Mawson to be making such propositions across the chamber—'Jump in, jump in my ute.' Indeed!

The DEPUTY SPEAKER: Order! Question time thankfully has—

The Hon. P.L. WHITE: I have not finished.

The DEPUTY SPEAKER: The minister is still on her feet.

The Hon. P.L. WHITE: The fact is—

Members interjecting:

The DEPUTY SPEAKER: No, she was still on her feet.

Ms CHAPMAN: Mr Deputy Speaker, I have a point of order.

The DEPUTY SPEAKER: The minister was still on her feet trying to answer the question.

Ms CHAPMAN: The minister has demanded of the questioner on this occasion to produce a document which is clearly in breach of parliamentary privilege. We have had a whole case in the Supreme Court recently to demand that a letter be produced to this parliament.

The DEPUTY SPEAKER: Order! There is no point of order. The minister was still on her feet. I did not see her initially; I recognise her now.

The Hon. P.L. WHITE: My instinct tells me that, when someone stands up in parliament, makes accusations and then says that they have evidence but will not hand it over, there is something wrong with that evidence. Have you got a letter?

Mr Brokenshire: Of course I've got a letter.

The DEPUTY SPEAKER: Order!

The Hon. P.L. WHITE: Is it signed?

The DEPUTY SPEAKER: Order! Question time has now expired.

The Hon. P.L. WHITE: Is it signed?

Mr Brokenshire interjecting:

The Hon. P.L. WHITE: No, I haven't.

The DEPUTY SPEAKER: Order! The minister—

Mr Brokenshire interjecting:

The Hon. P.L. WHITE: Well, you haven't handed it over.

The DEPUTY SPEAKER: Order! The minister will resume her seat. As I have pointed out, question time is usually when members of the opposition ask questions of the government. In this day and age we have role reversals, but question time has not got to that point yet.

GRIEVANCE DEBATE

HEALTH SERVICE, KANGAROO ISLAND

The Hon. DEAN BROWN (Deputy Leader of the Opposition): I wish to discuss an issue that occurred on Kangaroo Island in relation to services used by the local hospital and one of the local GPs. I have a letter dated 8 March this year from Dr Gerome van der Linden of the Kangaroo Island Medical Clinic to Dr Peter Chapman, which states:

> During the course of the long weekend in January I was doing my Doctor's rounds at the hospital. Whilst consulting a patient I was interrupted by a Registered Nurse, employed by the Kangaroo Island Health Service. She informed me that the Ambulance Service had requested the 'on call Doctor' attend an unconscious person in their home and that they would pick me up in 5 minutes. I prepared myself by gathering the Thomas Pack [a resuscitation pack] and emergency drugs from the hospital stores.
>
> The Ambulance collected me and took me to the house of an 80-year-old lady who lived alone with her son, a paranoid schizophrenic. On arriving I was confronted by a terrible scene.

In his letter, the doctor outlines the clinical notes of what he saw at that scene, but they are not included in my copy. The letter states further:

> Having initially stabilised the patient I accompanied her in the Ambulance with the intent of returning to the Hospital to await the arrival of the retrieval team, and further ready her for the trip. As we entered Kingscote we received a message that the Helicopter was landing at the Oval, which was at that point less than 500 metres closer than the Hospital. I decided to proceed directly to the Oval believing it was in the best interest of the patient's medical care. Whilst at the Oval I helped the team to site further lines, asked a Policeman to retrieve her notes from the Hospital so that we could give the retrieval team a good handover of her prior medical history and at about 14.30 formally transferred her care to the retrieval team.
>
> I returned to the Hospital and saw the other 'emergencies' that had presented in my absence. I then wrote my hospital notes. Throughout the rest of the day I spent about 3 to 4 hours dealing directly with various people involved in the traumatic events: debriefing ambulance staff; talking to relatives; talking to and examining others involved. All in all it was a very difficult and traumatic time for everyone, and a situation that I have spent considerable time reflecting on.
>
> When I arrived at work Tuesday after the long weekend I was given a message at my Private rooms. The Health Service had deemed the patient was not admitted, and therefore I would not be able to charge the hospital for my clinical services.

The doctor goes on a bit later to say:

> I do not understand the logic that says that: despite the Health Service being a provider of emergency care on the Island; despite me going to scene as the Health Service's 'on call' Doctor; despite me determining the patient would be an inpatient rather than an outpatient; despite being on our way to the hospital when we detoured to the Helicopter; and because the Helicopter does not land on Hospital soil, this particular patient suddenly, in the last five

minutes of her 2½ hour acute care, is no longer deemed to be the responsibility of the Kangaroo Island Health Service.

This is a serious matter. The doctor has written to Dr Peter Chapman on five occasions since March and received no response. He wrote to the minister on 26 June and has received no response. This letter suggests that serious attempts are being made by the state government to move health care costs from the state government to the federal government.

There are important issues raised by this letter—that both the minister and the government completely devalue the input by local GPs, that they completely ignore and are rude enough not to answer serious correspondence sent by the GPs, and it raises very serious questions about where country GPs now stand in South Australia. There are significant issues here where a doctor can work for six or seven hours at the direction of the local hospital and receive no recompense from the hospital and no answer to any correspondence written in conjunction with it.

BISHOP NEKTARIOS, DEATH

The Hon. M.J. ATKINSON (Attorney-General): I rise to express my sorrow and regret at the recent death of His Grace Bishop Nektarios of Madagascar, originally from South Australia, and also the 16 other people who died in the Chinook helicopter crash in Greece on 11 September 2004. Bishop Nektarios, formerly George Kellis, was born on 6 December 1952 to Stergos and Panagiota Kellis of Richmond, South Australia. His love of God and the Orthodox faith were evident even as a young child. He would constantly be found in the Greek Orthodox monastery of St Nektarios on Regency Road, Croydon Park, assisting Father Gervasios. This great love and devotion was realised in 1981 when George Kellis was ordained a priest as Nektarios.

In 1987, Father Gervasios departed for Greece owing to ill health, and His Eminence, Archbishop Stylianos, Primate of the Greek Orthodox Archdiocese of Australia, appointed Nektarios the abbot of the monastery in which he had grown up. For the next 12 years, Nektarios worked tirelessly. He initiated many firsts in his community: the first Greek language class within the Croydon Park Primary School; he started a youth group and through his involvement it grew and progressed; two national publications distributed regularly throughout Australia, *St Nektarios* in Greek and *The Orthodox Messenger* in English; and he established a library of such high standard that it became part of the Australian and New Zealand Theological Library Association. He was also instrumental in expanding the physical size of the monastery in 1990.

Father Nektarios was kind enough to establish a joint bible class with my parish and parish priest, Father Stephen Nicholls, and I fondly recall having lunch with Father Nektarios at St Sava's Serbian Orthodox Church in Hindmarsh when he turned to me and said quite frankly, 'Michael, you realise that you are a member of a club, not a church,' referring, of course, to my Anglican, Catholic and traditional Anglican communion affiliations. In 1993, Nektarios travelled to Madagascar. He had heard that there was great poverty there and wanted to see if he could do anything to help. After staying two months he felt that this was where he should be and so he returned to Adelaide to make arrangements for a more permanent stay in Madagascar.

In 1994, he left Adelaide as an archimandrite. The community in Croydon Park was sorry to lose him as he was loved and a spiritual father to a great many there. That he followed in the footsteps of the saints is not an understatement. In 1998 he was ordained a bishop and he became the Bishop of Madagascar. From 1994 until his death it is true to say, as I have heard him referred to many times recently, that he was the Mother Teresa of Madagascar. He saw civil war, hunger, poverty and disease. Many times himself a victim of diseases, yet never ceasing his work. Without thought to his own health and welfare, he travelled throughout the world raising funds for food, necessary medicines and vaccines for the children. He found time to write heart-rending letters telling of the suffering of the people, particularly the children, and the consequences of the civil war on their land.

Each year he visited Australia and went from state to state raising funds and organising containers of food, clothing and medicine. The archdiocese and the people of Australia embraced the mission in Madagascar and every year the Bishop would bring them video footage of its progress. He helped people stricken by leprosy and epidemics, visited and fed prisoners, orphans, widows and children. He provided gifts and food at Christmas, and he brought the gospel of Jesus to the natives of the island who had never had such an opportunity. Nektarios converted thousands of indigenous people to orthodoxy and ordained many of the locals as priests. He had built and maintained a large polyclinic, an orphanage, surgeries, hospitals, schools and more than 60 churches throughout Madagascar. On his annual visits to Australia, Bishop Nektarios would stay in Mauritius for one day as there are no direct flights from Australia to Madagascar. He often wished that there was an Orthodox church where he could go during his stay in Mauritius: he prayed that one day the mission of Madagascar would also extend to Mauritius. Sir, I shall continue my remarks on another occasion.

TRANSPORT SA

Mr BROKENSHIRE (Mawson): The opposition often receives material on certain matters and, in particular, when you receive a detailed and concerning but nevertheless unsigned letter you have a certain amount of questioning in your mind as to whether or not it is a letter that can be vindicated or whether it is just someone who has a set against certain people within their department. The Liberal Party opposition has received a letter from staff at the Transport SA Licence Review section at Oaklands Road, Oaklands Park. Because of the serious contents and allegations in this letter, I made sufficient inquiries as the shadow minister to get satisfactory confirmation in my mind that the minister, the department, and the parliament should certainly be made aware of whether the concerns raised in this letter need further attention. That is why I have asked the minister to come with me to this department and sit down with the staff, who have indicated that they would be happy to talk to me to express their concerns.

I want to read a bit of this letter into *Hansard* because I have had confirmation that there are serious matters occurring—part of the problem being the enormous amount of demerit points and expiation notices that now exist since legislation went through the parliament in recent times. The letter is headed, 'Transport SA Licence Review exposed (237 Oaklands Road, Oaklands Park).' It says:

> Working in a government department I would have thought that it was important to obey the law and work within legal legislation. However, there are some occurrences that I believe require looking into. It is becoming apparent that working with TSA is intolerable. Staff are constantly being asked to break the law and undertake illegal transaction. . . As legislation gets harder, clients are becoming more aggressive and when we, as staff are ordered to remove licence disqualification illegally it becomes a joke.

The letter actually talks about certain clients with whom they have concerns. They claim that in one case, after a huge argument with their manager, senior authorities within the department told them to remove the disqualification and allow the good behaviour option, even though this person had several disqualifications, as I understand it. The letter says there have been several instances where people have contacted a certain member of the department and staff have been asked to do things that they do not believe they should have to do.

There is another case where a client with a serious disqualification for driving with alcohol has used a false licence and yet, according to this letter, staff have been directed to remove demerit point disqualification. I am aware of one case they told me about, when I made my inquiries, concerning a person with 19 disqualifications, where it is alleged that they were told by higher authorities to override that and to let that person have their licence.

The letter says that the incidents they have highlighted are only a few of what is happening on a regular basis, and the staff are asking why their lives should be put at risk. They are qualified to take unsafe drivers off the road: how can someone higher up overturn their decisions and why, therefore, are they doing this job? They also say in the letter that:

> Staff are no longer able to cope with mountains of work and violent and angry clients. People do not see this side of the government and think that we are all well looked after and bludge. Life is anything but a bludge for us and it is time everyone knows what is going on. Sick leave and stress leave is on the rise and no-one cares and no-one is listening. There are many other things that are happening at Oaklands Park and if you could speak to staff you will find out what I am saying is true and correct.

In fact, telephone numbers were provided and I note that the government received a copy of this letter.

As I said, we do not take this lightly. We prefer to have letters that are signed. Sometimes there are vendettas against individuals, and I acknowledge that perhaps that is the case. But it is sufficiently serious that there should be some inquiry into it. That is why we have asked the questions in the parliament. As I said, I have already made enough preliminary inquiries to be satisfied that this should be pursued, and I ask the minister and her department to look at this. The reason the person did not sign the letter, I was advised, is that they would be intimidated by people further up the ladder.

Time expired.

GRAY, Mr R.

Ms BEDFORD (Florey): I bring to the house the sad news of the recent passing of one of South Australia's most inspiring activists, Mr Ron Gray, a much-admired man, who was the partner of 18 years of another much-revered activist, Irene Gale. I first met Irene and Ron over 20 years ago through my earliest involvements in the peace movement and soon realised that they cared deeply about many important issues. They were always seen at marches and protests and were here in Adelaide and beyond at every such occasion. Irene and Ron shared a special relationship and came together after previous marriages, bringing together a very special pair of families. Today I quote from Linda Gale's eulogy to let members know a little more of the unique man we have sadly recently lost. Linda Gale said:

> Ron brought a mix of realism and optimism to his activism. He recognised that the problems facing the world are many and complex—and then set about doing something about it. Ron and Irene have inspired many of us to further effort because they have combined their determined campaigning on the world stage, with practical, achievable steps at a personal and local level. While many others talk about the environment, Ron Gray acted.
>
> He believed in walking lightly on the earth—and from his early campaigns to improve working environments by eliminating that killer, asbestos, to his longstanding participation in the trees for life project to converting his home to solar power, Ron has left us all with a planet that is in better condition for his having been here. This commitment to the environment even extends to the ceremony today, where Ron is taking his leave in a recycled cardboard coffin—the wooden facade you see will be saved and reused. After so many years of carefully raising seedling trees, Ron did not want any tree to be felled to make him a coffin.

Linda continues:

> I have had the great privilege of knowing Ron not just as my mother's beloved but also as a comrade on the campaign trail. In the reception which will follow this ceremony you will see some photos of Ron campaigning—marching, getting petitions signed, doing radio interviews, staffing information stalls, marching again at yet another rally. In many of those photos you will see him accompanied by his children and grandchildren. In all, he is accompanied by friends and comrades. Ron's great talent was to bring others into campaign work with a quiet, unassuming confidence that we would, of course, see that this was the right thing to do. No-one was bullied into taking part. People were welcomed, encouraged and valued.

Linda goes on to say:

> In 2002 I joined Ron and Irene on their return visit to Pine Gap. Neither was in the peak of health at the time, but little things like dicky knees and dodgy lungs were not going to stop them. In the driving dusty wind of three hot hot days, Ron never stopped. He attended camp meetings, marched the bloody long way from the campsite to the gates of the spy base, all the time providing a huge range of old and new activists with information and analysis about the role that place plays in fostering conflict and war; and exercising his special talent for gently reminding people of the need for tolerance and cooperation within such a broad and diverse movement.
>
> Ron was a great peacemaker—on both a global and a personal level.
>
> Cards and emails have been flooding in, and people have said some wonderful things about Ron. I wish I could read them out to you, but there are simply far too many. Instead, we have printed out the emails so that you can have a look, and they will be in the reception. But I would like to read you just one comment from Maureen and Brian.

I read that quote, which says:

> There is a saying about a butterfly moving its wings in the forest which causes larger events to happen elsewhere. Well, here in Australia, Ron certainly kept his wings moving, to great effect.

Linda went on to say:

> The web of cause and effect is vast and complex, but one thing we can all be sure of—the effects of that very determined butterfly, Ron Gray, will continue to make our world a better place for many years to come.
>
> Another friend. . . sent us this quote (I'm afraid I don't know the author):
>
> > What matters most in life is not the beginning or the end but the 'dash' between the years. It doesn't matter how much we own; the cars. . . the house. . . the cash. What matters is how we live and love and how we spend our 'dash'.

Ron could truly be proud of how he spent his dash. I want to let the house know how much everybody in Adelaide respected Ron for the work he did. At the funeral service the broad depth of his work and the immense knowledge he passed on to young and old activists became apparent. He

certainly inspired me to get involved more deeply in many of the issues in which he was involved. He and Irene mercilessly have lobbied people about making Australian and South Australian local government areas nuclear free zones. I urge members to take on board his message of peace. The world would be a much happier place if peace were given the same sort of precedence that warmongering apparently now takes, and his legacy, I hope, will be that we all concentrate a lot harder on making peace a reality.

EDUCATION, POLICY

Ms CHAPMAN (Bragg): Yesterday the federal leader of the ALP announced an education policy, a plan which included cutting and freezing funds to private schools, which I will deal with shortly. I refer to the extra funding which he has proposed if he becomes Prime Minister and which he will inflict on South Australian public schools across the country.

When you peel away the rhetoric, he is proposing to provide an extra $850 million to state public schools over the next four years. That equates to a meagre 1 per cent of additional funding to state schools. Since total government spending, that is, commonwealth and state, to state schools is currently $20 billion a year, then $850 million equates to a 1 per cent increase in public school funding.

Urgently needed is an ironclad guarantee from the Rann government that it will not treat the additional commonwealth money as a gift and withdraw state funding for education. Public and low fee private schools could find themselves back at square one once the state government starts reneging on its primary responsibility to fund schools. Why is this such a risk?

Of course the federal Liberal government currently has given more money every year for every child in public schools since it has been in office and last year increased by 5.3 per cent its contribution, compared to the Rann government's 4.9 per cent increase to state school budgets. It is the appalling record of state Labor governments in their responsibility to the schools they own and operate, namely, the public schools, that has caused the current Liberal government to offer further funding to public schools, and now we have the Latham proposal in which he also seeks to supplement the public schools.

Over the first term of a Labor government he proposes that the state schools would get only $400 million. That is a increase of .5 per cent. How long will it take for the Rann Labor government to reduce its funding by 1 per cent? It has demonstrably referred to its lack of contribution in this area over the past three years. Labor cannot guarantee that if it puts money into public schools the Labor states will not take out that money.

Today I asked the minister and the Premier to identify that they would make a commitment to their increase in funding to public schools and, while both had the opportunity, neither made the commitment. The Premier said he had signed up to the agreement with the federal Labor Party, but he has failed to realise that, even in the Labor Party proposal it is funding themselves, which is part of its national resource standard (and he appears unable to answer as to whether it is even in the agreement), it has been exposed today at the federal level that it is $2.9 billion short in the last three years of its proposal from 2009 to 2012. What happens then in relation to that shortfall? Who will pay for it? Our state Premier on our behalf for our children in state schools has signed up to an agreement that is clearly financially a situation of disaster for this and every other state, most particularly for every child in every state school in the country.

The coalition has provided a record per student funding since 1996 and has proposed its increase of funding over $1.9 million for the next four years. So, we have a situation where Mr Latham has presented us with a financial package for our public schools that clearly does not add up. It is no wonder they do not agree with the basic skills test, because their leader would not be able to pass it.

We have a situation where there is a major deficit, and we have a state government which signed up to and applauded the federal government's policy but which failed to understand the figures that are there and who will pay. I will tell members who will pay: the children in state schools in this state and in every other state in this country that has a Labor government that has failed and failed miserably not only to honour their commitment but even to give a commitment here today. Let us be under no illusion that the private, independent and Catholic schools in this country know full well that this is the thin end of the wedge.

They know that, just like bracket creep, they will also lose their funding more and more as the years progress, and the stupidity of that is that it will cost this state alone an extra $20 million over the next four years, that is, $5 million a year. Again, there is no provision in the budget in South Australia for those who will be unable to afford to stay in high-fee schools and those who do not move into the lower-fee schools, and that will be a cost to you and me.

RECYCLING PLANT

Mr SNELLING (Playford): I wish to grieve on a matter that has been affecting some residents in my electorate. Some residents live on the border of an industrial area of my electorate and, as a result, must put up with considerable noise and other pollution that comes with this industrial area—it is just one of those things they must put up with. A recycling plant in my electorate has been operating on what appears to be a 24-hour basis, and it is causing considerable disturbance to a number of my constituents who live in the vicinity. The plant is called Southern Recycling and operates at Langford Street, Pooraka.

A number of my constituents came to see me because they were being woken through the night by various noises coming from this plant, such as loud trucks entering and leaving the premises, the use of loud speakers alerting employees of incoming phone calls, the use of bright spotlights, loud machinery and the use of microphones to alert employees to other matters. When one lives near an industrial area one expects that it will be somewhat noisier than if one lives in a quiet suburban back street. Certainly, my constituents expect some noise, but the noise emanating from this particular plant at all hours of the day and night has become intolerable.

I corresponded with both the minister (for referral of the matter to the EPA) and the Salisbury council. I am happy to inform my constituents that today I have received a reply from the Salisbury council informing me that its officers have inspected the plant and discovered that the plant is in fact operating in breach of the conditions imposed on the original planning approval. The plant has therefore been issued with an order that it must comply with these conditions. I am happy to say that my constituents living in the Montague Farm area of Pooraka should be able to sleep a little more

easily as a result of a great reduction in noise coming from this particular plant.

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

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): On behalf of the Premier, I move:

That the Public Finance and Audit (Honesty and Accountability in Government) Amendment Bill be restored to the *Notice Paper* as a lapsed bill pursuant to the section 57 of the Constitution Act 1934.

Motion carried.

FIRE AND EMERGENCY SERVICES BILL

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I move:

That the Fire and Emergency Services Bill be restored to the *Notice Paper* as a lapsed bill pursuant to section 57 of the Constitution Act 1934.

Motion carried.

STATUTES AMENDMENT (PARLIAMENT FINANCE AND SERVICES) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Constitution Act 1934 and the Parliament (Joint Services) Act 1985. Read a first time.

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

That this bill be now read a second time.

The bill amends the Constitution Act 1934 and the Parliament (Joint Services) Act 1985. The bill will enhance the independence of parliament (I am convinced of it) by altering the appropriation process to require a separate parliamentary Appropriation Bill. It also recognises the need for an executive officer to the Joint Parliamentary Services Committee to take responsibility for the management of the Joint Parliamentary Service. I seek leave to have the balance of my second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

Amendments to the *Constitution Act*

Currently, the money that the Parliament uses to fund its activities comes through negotiation with the Government. The negotiations are conducted as part of the general budget process and the allocation is made as part of the general appropriation.

The Bill allows Parliament to vote on a separate budget to fund its own activities before the general State Budget is passed. Obviously, as now, there would still need to be negotiation with the Government about the amount to be appropriated for Parliamentary purposes.

The Bill will amend the *Constitution Act 1934* so that no Appropriation Bill for general Government purposes can be introduced into Parliament unless—

- an appropriation Bill for the purposes of the Parliament for that year has been passed by Parliament and assented to by the Governor; or
- an appropriation Bill for the general purposes of Parliament for that year has passed the House of Assembly and six sitting days of the Legislative Council have elapsed since the Bill was received by the Council.

New subsections (2) and (3) provide a mechanism to ensure an appropriation is made to Parliament even if a Parliamentary Appropriation Bill is not in operation at the beginning of a financial year. In such cases, an amount will be appropriated equal to the amount appropriated for the previous financial year less an amount equal to the total of any payments of a capital nature made during the previous year. If an Appropriation Bill is subsequently enacted, it operates in place of the automatic appropriation.

Amendments to the *Parliament (Joint Services) Act 1985*

Section 6 of the *Parliament (Joint Services) Act* currently provides that secretarial services will be provided to the Joint Parliamentary Services Committee (JPSC) on rotation by the Clerk of the House of Assembly and the Clerk of the Legislative Council. This arrangement is consistent with the Speaker and the President rotating as the Chair of the JPSC.

The Bill replaces section 6 with a new provision that establishes an office of Executive Officer for the JPSC. The Bill provides for the Executive Officer to be remunerated at 90% of the rate payable to the Clerks of the two Houses. The Executive Officer will be responsible to the JPSC for the efficient management of the joint parliamentary service.

The Bill also replaces section 11 of the *Parliament (Joint Services) Act*. The main difference under the new provision is that the remuneration levels of an officer of the joint parliamentary service will be fixed by the JPSC rather than the Governor. An amendment is also proposed to section 21 of the Act so that grants to officers of more than three days' paid special leave in any financial year do not need the Governor's consent.

I commend the Bill to members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Constitution Act 1934*

4—Insertion of section 64AA

New section 64AA relates to the appropriation of money for the general purposes of the Parliament. The intention of the new section is that instead of forming part of the ordinary annual appropriation Bill, the appropriation for those purposes is to be by means of a separate Bill which should be dealt with by the Parliament before it deals with the ordinary annual appropriation Bill.

The general purposes of the Parliament is defined under the new section as all the staff, services, buildings, facilities and operations of the Parliament, including benefits for members of Parliament for which money is not appropriated by some other statutory provision.

Under the new section, no appropriation Bill for general government purposes of the State for a financial year may be introduced into Parliament unless—

(a) an appropriation Bill for the general purposes of the Parliament for the financial year has been passed by the Parliament and assented to by the Governor; or

(b) an appropriation Bill for the general purposes of the Parliament for the financial year has been passed by the House of Assembly and six sitting days of the Legislative Council have elapsed since the Bill was received by the Legislative Council from the House of Assembly.

An automatic appropriation for the Parliament is to occur if an appropriation Act for the general purposes of the Parliament for a financial year has not come into operation at the commencement of the financial year. The amount automatically appropriated will be an amount equal to the amount appropriated for the Parliament for the preceding financial year less the total of all payments of a capital nature made during the preceding financial year from the money appropriated for the Parliament. If an appropriation Act for the Parliament is enacted after the commencement of a financial year, the automatic appropriation will cease and be replaced by the appropriation Act.

Part 3—Amendment of the *Parliament (Joint Services) Act 1985*

5—Amendment of section 4—Interpretation

A new definition is inserted. ***Executive Officer*** for the joint parliamentary service is defined as the person holding or acting in the office of Executive Officer for the joint parliamentary service under Part 2.

6—Substitution of section 6

Section 6 currently provides for the secretary of the Joint Parliamentary Service Committee to be, alternating annually, the Clerks of the Legislative Council and House of Assembly.

New sections 6 and 6A, instead provide for a new Executive Officer for the joint parliamentary service and the functions of that officer.

The Executive Officer is to be appointed by the Committee on terms and conditions determined by the Committee.

The salary for the office of Executive Officer is to be 90 per cent of the salary for the Office of Clerk of the Legislative Council or Clerk of the House of Assembly.

The Executive Officer will be responsible to the Committee for the efficient management of the joint parliamentary service.

7—Amendment of section 7—Divisions of the parliamentary service

The current Divisions of the joint parliamentary service will remain. A consequential amendment is made so that the Executive Officer, rather than the secretary of the Committee, will be the chief officer of the Joint Services Division.

8—Amendment of section 8—Duties of chief officers

The chief officers of the Divisions of the joint parliamentary service will now be responsible to the Executive Officer for the efficient management of their Divisions.

9—Amendment of section 9—Delegation

The delegation provision for the Committee is consequentially amended to take account of the new Executive Officer position.

10—Amendment of section 10—Creation and abolition of offices

This section is amended so that the creation and abolition of offices in the joint parliamentary service will be the sole responsibility of the Committee. At present, the Committee recommends the creation and abolition of offices in the joint parliamentary service to the Governor.

11—Substitution of section 11

Similarly, the fixing of remuneration levels for offices in the joint parliamentary service will be the responsibility of the Committee. The current provision for remuneration level structures generally to match those in the public service and for the automatic flow on of public service salary changes to corresponding positions in the joint parliamentary service is retained.

12—Amendment of section 21—Special leave

This section contains a requirement for the Governor's consent to the granting to a joint parliamentary service officer of more than 3 days remunerated special leave in a financial year. The requirement for the Governor's consent is removed.

13—Amendment of section 24—Application of certain Acts

This clause makes amendments of a statute law revision nature only correcting obsolete references.

14—Amendment of section 26—Certain officers to constitute advisory committee

The advisory committee under this section will no longer include the chief officers of the Divisions of the joint parliamentary service but be comprised only of the Clerks of the Houses and the Executive Officer.

15—Amendment of section 30—Allowances and deductions

This clause corrects an obsolete reference.

16—Repeal of Schedules 1 and 2

This clause removes the Schedules the effect of which is exhausted.

Ms CHAPMAN secured the adjournment of the debate.

STATUES AMENDMENT (RELATIONSHIPS) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend various acts to make provision for same sex couples to be treated on an equal basis with opposite sex couples; and for other purposes. Read a first time.

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

That this bill be now read a second time.

I bring this bill before the house in fulfilment of the government's election commitment to remove unjustified legislative discrimination against same sex couples. Like heterosexual people, many homosexual people choose to live their lives in couple relationships of mutual affection and support.

Mr Scalzi: Are the Greens happy about this?

The DEPUTY SPEAKER: The member for Hartley is out of order!

The Hon. M.J. ATKINSON: These partnerships, like those of opposite sex couples, may be of short or long duration and in many cases may be lifelong. They have much the same social consequences as the relationships of opposite sex couples. For example, the couple may merge their property and financial affairs, they may provide care for each other during periods of illness or disability, and they may care for children together.

Our law, however, knows nothing of such arrangements. Whereas it recognises opposite sex couples, whether or not they marry, and attaches legal consequences to these relationships, it behaves as if same sex couples do not exist. As a result, same-sex couples are denied some rights and exempted from some obligations that accrue to unmarried opposite sex partners in the same situation. For example, if one de facto partner is killed at work through negligence or by homicide, if there has been a requisite period of cohabitation, the surviving dependent partner is entitled to claim compensation for the loss of the deceased's financial support. A dependent same-sex partner has no such entitlement.

Likewise, if a person's de facto partner dies without leaving a will, where there has been the requisite period of cohabitation the remaining partner is entitled to inherit the estate or part of it, depending on whether the deceased also left children. A same-sex partner in that situation cannot inherit. Again, if the deceased had made a will but had disinherited the surviving de facto partner, that person can apply to have provision made out of the estate despite the will—what I knew at law school as testators' family maintenance. A same-sex partner, however, cannot.

There are many other instances of such discrimination: for instance, in the areas of guardianship or medical consent. Conversely, there are also some instances where the present law imposes obligations or restrictions on unmarried opposite sex couples that are not imposed on same-sex couples. For instance, at present a person who is elected a member of a local council or a member of parliament must disclose on the register of interests the interests of his or her putative spouse. A member of a same-sex couple is under no obligation to disclose the interests of his or her partner.

Ms Chapman: It will be interesting to read next year's pecuniary interests register.

The Hon. M.J. ATKINSON: The member for Bragg says that it will be interesting to read next year's pecuniary interests register. Be that as it may, where does the member for Hartley stand on this point? We have not heard from him.

Again, a person whose de facto partner has received a first home owner's grant or already owns land is not himself entitled to a first home owner's grant, but a member of a same-sex couple in that situation is. The bill will redress such inequalities. It will extend to same-sex couples the same legal

rights and obligations that now apply to unmarried opposite sex couples.

The approach taken in the bill is simply to build on the existing law as it applies to opposite sex couples. That is, where an opposite sex couple is recognised under the present law, the bill proposes to recognise a same-sex couple in the same way.

One important change is proposed, however. At the moment, the law generally requires that a couple live together for five years before they can be recognised—that is, unless they have a child together. This requirement arises from the Family Relationships Act and applies across the statute book wherever there is a reference to a putative spouse. For example, this is the requirement to be able to inherit in case of intestacy. The De Facto Relationships Act, however, requires only three years habitation, as the member for Bragg, given her vocation, is quick to point out. That act applies to the division of property when a de facto couple separates. The bill proposes to remove this discrepancy by granting legal rights across the statute book after a period of three years cohabitation.

An honourable member interjecting:

The Hon. M.J. ATKINSON: Three years, but the bill is up for debate and members of the opposition can propose a different duration.

Members interjecting:

The Hon. M.J. ATKINSON: Ask Peter Lewis. Our five-year requirement is higher than that generally prevailing interstate where periods of two years' cohabitation are often sufficient to give rise to legal rights. It is reasonable to regard a couple who has been living together for three years as an established de facto couple for legal purposes, and our law already does so for property adjustment purposes. It is logical, I think, that it should also do this for other legal purposes.

I emphasise that the bill is not about marriage. Under the Australian constitution, marriage is a matter of commonwealth law. The bill cannot and it does not seek to provide for the marriage of same sex partners. Those who want the law of marriage extended to encompass same sex couples must lobby the commonwealth government. Neither does the bill provide any regime for the legal registration of same sex partners as couples. It treats same sex partners in just the same way that the law now treats unmarried opposite sex couples. I seek leave to have the balance of the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

It may assist if I explain how the Bill is structured. The *Family Relationships Act* is amended to create the new statutory status of *de facto* partner. The term will include partners of opposite sex or of the same sex. The criteria for a *de facto* partnership are similar to those now applied to the status of putative spouse, except for the reduction from five to three years' cohabitation. The parties must have cohabited for three years as a couple on a genuine domestic basis. A new requirement is, however, that the relationship must be measured against a list of criteria including the duration of the relationship, the nature and extent of common residence, the existence of a sexual relationship, the degree of financial dependence and the arrangements for financial support between the partners, the degree of mutual commitment to a shared life, the public aspects of the relationship, and other matters. The criteria have been adapted from similar provisions in the law of New South Wales, Victoria, Queensland and Western Australia. None of the indicia is on its own determinative, so it is not necessary to show that they are all present. The more criteria are satisfied, the more likely it is that a couple relationship exists, but ultimately the matter is one for the court, just as it is now for putative spouses. People cannot, however, be domestic partners if they are within the prohibited degrees of relationship for marriage. The Bill is about couple relationships, not friendships or so-called co-dependent relationships.

The statutes amended by the Bill then refer to the status of being a 'domestic partner'. This term includes lawful spouses and *de facto* partners. In statutes that now speak of spouses or putative spouses, those references are replaced with references to a 'domestic partner'.

Thus, in Acts that now require a declaration from a court of putative-spouse status, a person claiming through a same-sex relationship will need to secure a declaration of *de facto* partner status. In those Acts that require a set period of cohabitation but do not require a declaration, that is made the rule for same-sex partners. In those Acts that require no set period of cohabitation, that is also the rule for same-sex partners.

The *Family Relationships Act* is also amended in two other important ways. At the moment, a declaration of putative spouse status can be made by either the District Court or the Supreme Court. It is proposed that the Magistrates Court should also be able to make such declarations. A declaration depends upon findings of fact. Those findings present no greater difficulty than is presented in matters ordinarily determined by the Magistrates Court in its day-to-day business, and an application there may be cheaper than an application to a higher court.

Also, the confidentiality provision of s. 13 of the Act is expanded, and the penalties for a breach are increased, based on the provisions of the existing State superannuation Acts as amended last year. I think that these rules against the publication of identifying information about an application for a declaration, or other proceedings under that Act, should apply in all cases.

The amendments of the other Acts amended by the Bill can be usefully grouped into five kinds. First, there are those that give same-sex partners the legal rights of family members. These include the inheritance rights, and rights to claim compensation when a partner is killed, which I earlier mentioned. They also include the right to apply for guardianship orders where a partner is incapacitated and to consent or refuse consent to certain medical treatment, as well as to organ donation, *post mortem* examination and cremation. For these purposes, wherever a putative spouse now has rights as a next-of-kin, those rights will now accrue also to same-sex partners.

Second, there are provisions amending several of the Acts that regulate the professions. This arises where the law permits a company to be registered or licensed as a practitioner of a profession. In these cases, the present law generally provides that the directors of a company practitioner must be practitioners, except where there is a two-director company and one director is a close relative of the other. Same-sex partners will be treated as relatives for the purposes of these provisions. This also means that if the relationship ends, the right of the same-sex partner to hold shares in such companies ends, just as it does now when putative spouses cease cohabitation.

Third, there are provisions dealing with conflicts of interest. These require the disclosure of the interests of a same-sex partner in the same way that the person must now disclose the interests of a putative spouse. Similarly, there are provisions dealing with relevant associations between people for corporate governance purposes, for example, in the context of transactions between the entity and its directors or their associates. The *Co-operatives Act* is an example.

Fourth, there are those Acts under which a person's association with another person is relevant in deciding whether the first person is suitable to hold a licence, such as a gaming licence. Under the Bill, a same-sex partner will be an associate for this purpose in the same way as a putative spouse.

Fifth, there are some statutory provisions that entitle the Government to make certain financial recovery from a spouse, or prioritise Government charges over land ahead of existing charges in favour of a spouse. Again, the same provision has been made for a same-sex partner.

Members will see that the four State superannuation Acts are amended by this Bill. As Members recall, legislation passed last year amending these Acts so that same-sex partners of State employees could inherit superannuation entitlements. Members might wonder why those Acts are proposed to be further amended. The earlier amendments provided that whereas a putative spouse does not need a declaration of his or her status, a same-sex partner does. The view has been taken that there is no justification for this different treatment. Therefore, in the present Bill, those provisions are further amended so that same-sex partners are in the same position as opposite-sex partners. They do not need to apply for a declaration. Also, the confidentiality provisions have been deleted because the

same protection will be delivered through s. 13 of the *Family Relationships Act*, which is expanded in scope to match the protection now given under those four Acts.

There have also been some other minor changes to some superannuation Acts that are not required to give equal rights to same-sex couples but extend the rights of some partners. At present, both the *Judges Pensions Act* and the *Governors Pensions Act* require that, to be eligible for a pension, the spouse must have been married to the judge or governor while he or she held office. The same is not required, however, under the *Parliamentary Superannuation Act*. For consistency, the former two Acts are amended so that a domestic partner of a judge or governor can claim the death benefit irrespective of whether the relationship existed while the judge or governor held office.

Further, the Bill provides that it will be the case under all four State superannuation Acts that death benefit entitlements arise if the person was married to the member on the date of death, regardless of whether the parties were married while the person was still employed and regardless of the period of cohabitation. At the moment, some of these Acts require that a married spouse who was not married to the member during relevant employment complete a period of cohabitation (whether as a *de facto* or married couple) before death to qualify for a benefit. The effect of the changes is to relax that requirement to match the position if the member dies before retiring. In that case there is no period of cohabitation required for married couples.

There are some measures now before this Parliament that will need to be amended if this Bill passes. It was thought best, if possible, to avoid a piecemeal approach in which Bills now before the House are individually amended during passage. It is therefore intended later to bring before the House a Bill making consequential amendments to such laws once the present Bill has passed.

When the Government consulted on this proposal last year, it received more than 2 000 replies. These replies made it clear that two matters are especially controversial: the adoption of children by same-sex couples and access by such couples to assisted reproductive technology. Indeed, of the thousand or so people who expressed opposition to the proposed Bill, the great majority appeared to be mainly or in some cases solely concerned about these two matters.

It is apparent that any amendment of the *Adoption Act* or the *Reproductive Technology Act* would be controversial. Many South Australians are concerned, alarmed or even horrified at the prospect of the adoption of children by same-sex couples and at the possibility that a same-sex couple could use reproductive technology to produce a child. It is of course the reality now that some same-sex couples do raise children. For example, the children of one partner from a former relationship may live with the same-sex couple by agreement of the parents or by order of the Family Court. With or without legislative change, some children will grow up in such families. Nonetheless, there would be fervent public opposition to legislation amending either Act. To avoid compromising the prospects of passage of this Bill, therefore, the Government has not included such measures in it. That is not to say that such amendments have been ruled out. They remain under consideration and may be the subject of future Bills. In the meantime, we will watch with interest the developments in other States and Territories.

It may be of interest to members to hear some brief extracts from the comment received on the discussion paper. They provide a snapshot of the polarity of public opinion. Writers opposing the proposals typically held that homosexual behaviour is immoral and thus that the Bill would represent a decline in moral standards. Some argued that to give equal legal rights to these couples would encourage homosexuality and undermine marriage. Many of these letters were in strong terms. Some warned the Government of the destruction of the family unit and even the ebbing away of our civilisation if we enact these measures. It is clear that although we long ago repealed laws criminalizing homosexual conduct and enacted laws giving equal opportunity to homosexual people, hostility toward homosexuals remains. One letter said:

> '*Words cannot express the horror and outrage we feel at the same-sex couples issues to go before Parliament. …The status of marriage for which we were created is being undermined and the nation will fall and judgment will come.*'

Another said:

> '*If a State enacts laws which accommodate the immoral, perverted and abnormal life-styles of misguided individuals (same-sex couples) then the State is encouraging (aiding and abetting) such life-styles to exist. God will not give his blessings to such a State and the State in due course will reap what it sows. … the legitimisation of homosexuality and lesbianism as alternative life-styles will lead to a 'cultural Armageddon'.*

Another said:

> '*Let us talk openly: how can a life style which is the fruit of a bent element within society, nourished by child sex abuse and pornography, be seen on a par with marriage?'*

Another said:

> '*The shameful, unnatural, perverted homosexual lifestyle should not be rewarded through rights and privileges through legislation. This type of lifestyle undermines the fabric of our society and of nations and should not be encouraged. I am quite shocked that the Rann Government would even contemplate sanctioning this depravity and wickedness.'*

Another said:

> '*This paper, for want of a better term, is no more than an introduction to the depth of depravity that is creeping into our society. …… at one time homosexuality was dealt with in the most direct manner, that of stoning to death … This Bill would just be the continuation of a downward spiral into Sodom and Gomorrah.'*

Another said:

> '*Why is it that you perverse pollies are forever changing things to improve the lot of criminals, wrongdoers and sickos such as homosexuals to the detriment of decent, law-abiding heterosexuals? … You now want to further improve the lives of deviant, depraved, miscreant, filthy, disease-spreading homosexuals. … You're all corrupt and disgusting people but rest assured the day is coming soon when you will have to pay for your sins.'*

No doubt these writers are entitled to their views. And certainly not all opponents of the proposal expressed themselves in such terms. Many were more moderate. These letters, however, illustrate the hostility and even hatred that still confront homosexual people today. Speaking for myself, as a Christian, I was saddened that many people felt constrained by their Christian faith to oppose legal equality for homosexual people. Although several referred Sodom and Gomorrah, not one of the those who quoted the Bible referred to the commandments that we should love our neighbours as ourselves and treat others as we would like to be treated.

Those who wrote in support of the Bill tended to use the language of human rights and of equality before the law. One said:

> '*It's my opinion that laws which are based on gender or sexuality do nothing but deny people their basic human and civil rights. Our diverse and democratic society deserves laws which reflect the many family structures which make up our communities.'*

Another said:

> '*Stronger families and communities are built on the basis that every-one is equal before the law and we urge the Government to make the necessary changes without fear or favour. …South Australia has a long history of social justice and it is difficult to comprehend how we find ourselves in 2003 without adequate protection.'*

Several people in support of the proposals pointed out that they were not themselves homosexual but thought the law should be changed as a matter of fairness. One married couple wrote to say:

> '*We cannot speak out for this discrimination from a personal viewpoint but we do have two very dear gay friends who have been in a loving family relationship for almost 20 years. They have purchased a home together and are partners in a business venture also. Their lives are firmly entwined in exactly the same way that married couples are. … Unfortunately the law at present does not offer the rights and protection to this couple that it does to ourselves….Let's change the law so that we can truly be equal in all ways.'*

Another said

> '*To my thinking (I am heterosexual and have been married since 1986) this is simply discrimination against a minority.'*

Another person wrote:

> '*I have been prompted to write as today I received a letter which I was invited to add my support to. … I disagree strongly with the contents of this letter and am concerned that this letter may be construed as speaking for the 'silent majority' in the absence of other comments. For the record, I am a 32 year old heterosexual married female with a 16 month old daughter. I support unreservedly changes to legislation to treat same-sex couples in the same manner as opposite-sex couples … gay couples would simply need to*

show the same level of commitment to each other that heterosexual couples must show.'

Some did, however, speak from their personal experience:

'*My partner and I have lived together as a couple for more than 30 years. We have been positive contributors to the Adelaide community for all of that time. We have been involved in voluntary activities for the betterment of our local residential area and I have served as an elected member on the [local] council for four terms. We are both law-abiding, tax-paying citizens who are respected in our community despite our relationship having no legal standing under South Australian law. … I am heartily sick of being treated as a second-class citizen.'*

Another said

'*During our long partnership, we have happily supported the needs of 'normal' families by way of our taxes. Schools, institutions for disabled and wayward children, IVF clinics, day care facilities, playgrounds, sportsgrounds and the like. …We are willing to do so for the betterment of society (we are 69 and 71 respectively). Does this society care about our non-legal status or does it once again go in the too-hard basket?'*

The Government has taken account of all comment received. That is why the Bill does not cover adoption or reproductive technology. The Bill does, however, seek to equalise the rights of same-sex couples with those of opposite-sex couples in all other areas. It is not the policy of the Government that homosexual relationships are the same as marriages. It is our policy, however, that same-sex couples should have the same legal rights and duties as unmarried opposite-sex couples. Same-sex relationships do not threaten the fabric of society. On the contrary, all stable, committed relationships contribute to it.

The present Bill is an important step towards equal civil rights for all South Australians. It has long been the policy of our law, through the *Equal Opportunity Act*, that there is to be no discrimination against homosexual people as individuals in the areas to which that Act applies. Our law has, however, been too slow to recognise the rights and duties of homosexual people as couples. That many homosexual people choose to live in couple relationships much like those of heterosexual people is a fact of life and one that the law can no longer ignore. This Bill acknowledges in law what everyone knows to be so in fact. It is a just measure and I commend it to the House.

EXPLANATION OF CLAUSES

General remarks

This measure, in general, seeks to achieve equality before the law for couples of the opposite sex who live together as husband and wife de facto, and couples of the same sex who live together in a similar relationship. Such relationships would be known as ***domestic partnerships*** in the legislation of this State following passage of this measure, with a ***domestic partner*** being defined in each case as a spouse or a de facto partner.

It is proposed to amend the *Family Relationships Act 1975* (see Part 27 of the measure) by deleting current Part 3 (which provides for declarations in relation to putative spouses) and substituting a new Part that instead provides for de facto partners.

Proposed section 11A(1) of the *Family Relationships Act 1975* provides that a person is, on a certain date, the ***de facto partner*** of another (irrespective of the sex of the other) if he or she is, on that date, cohabiting with that person as a couple on a genuine domestic basis (other than as a legally married couple) and he or she—

(a) has so cohabited with that other person continuously for the period of 3 years immediately preceding that date; or

(b) has during the period of 4 years immediately preceding that date so cohabited with that other person for periods aggregating not less than 3 years.

Proposed section 11A(2) provides that a person is, on a certain date, the ***de facto partner*** of another if he or she is, on that date, cohabiting with that person as a couple on a genuine domestic basis (other than as a legally married couple) and a child, of which he or she and the other person are the parents, has been born (whether or not the child was still living at that date).

Proposed section 11A(4) provides that a person whose rights or obligations depend on whether he or she and another person, or 2 other persons, were, on a certain date, de facto partners one of the other may apply to the Court for a declaration under section 11A.

Proposed section 11A(6) provides that, for the purposes of determining whether a person is to be the de facto partner of another (within the meaning of the *Family Relationships Act 1975*), consideration must be given to the following:

(a) the duration of the relationship;

(b) the nature and extent of common residence;

(c) whether or not a sexual relationship exists, or has existed;

(d) the degree of financial dependence and interdependence, or arrangements for financial support between the parties;

(e) the ownership, use or acquisition of property;

(f) the degree of mutual commitment to a shared life;

(g) the care and support of children;

(h) the performance of household duties;

(i) the reputation and public aspects of the relationship.

The opportunity has been taken in this measure to achieve some consistency across the statute book. In most cases, a ***de facto partner*** will be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not, while in a few cases (such as the *Inheritance (Family Provision) Act 1972*), a declaration will be required. However, whether a declaration is required or not for the purposes of a particular Act, the matters set out in proposed Part 3 of the *Family Relationships Act 1975* are relevant in determining whether or not a particular person is, or was, at a particular time, the de facto partner of another.

Part 1—Preliminary

This Part contains the formal clauses.

Part 2—Amendment of *Administration and Probate Act 1919*

It is proposed to insert definitions of ***de facto partner*** and ***domestic partner*** and, as a consequence, delete the definitions of ***putative spouse*** and ***spouse***. This Act is one that does require a declaration to be made that one person is the de facto partner of another as at a particular date under the new proposed Part 3 of the *Family Relationships Act 1975*.

Clause 15 provides that an amendment made by this Act to the *Administration and Probate Act 1919* applies only in relation to the estate of a deceased person whose death occurs after the commencement of the amendment.

Part 3—Amendment of *Aged and Infirm Persons' Property Act 1940*

In each of the Acts amended in Parts 3 to 10, the definitions of ***de facto partner*** and ***domestic partner*** are to be inserted in the appropriate section of the particular Act. In each of them, a de facto partner is to be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not, and a ***domestic partner*** is defined as a spouse or de facto partner. The remainder of the amendments are consequential on the insertion of those definitions or provide for transitional arrangements.

Part 4—Amendment of *Architects Act 1939*

Part 5—Amendment of *Associations Incorporation Act 1985*

Part 6—Amendment of *Authorised Betting Operations Act 2000*

Part 7—Amendment of *Casino Act 1997*

Part 8—Amendment of *Chiropractors Act 1991*

Part 9—Amendment of *Citrus Industry Act 1991*

Part 10—Amendment of *City of Adelaide Act 1998*

Part 11—Amendment of *Civil Liability Act 1936*

It is proposed to insert definitions of ***de facto partner*** and ***domestic partner*** and, as a consequence, delete the definitions of ***putative spouse*** and ***spouse***. This Act is another that requires a declaration to be made that one person is the de facto partner of another as at a particular date under the new proposed Part 3 of the *Family Relationships Act 1975*.

The remainder of the proposed amendments are consequential except for the insertion of a provision that provides that an amendment made by this measure to the *Civil Liability Act 1936* applies only in relation to a cause of action that arises after the commencement of the amendment.

Part 12—Amendment of *Community Titles Act 1996*

In each of the Acts amended in Parts 12 to 18, the definitions of ***de facto partner*** and ***domestic partner*** are to be inserted in the appropriate section of the particular Act. In each of them, a de facto partner is to be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not, and a ***domestic partner*** is defined as a spouse or de facto partner. The remainder of the amendments are consequential on the insertion of those definitions or provide for transitional arrangements.

Part 13—Amendment of *Conveyancers Act 1994*

Part 14—Amendment of *Co-operatives Act 1997*

Part 15—Amendment of *Cremation Act 2000*

Part 16—Amendment of *Criminal Law Consolidation Act 1935*

Part 17—Amendment of *Criminal Law (Forensic Procedures) Act 1998*

Part 18—Amendment of *Crown Lands Act 1929*

Part 19—Amendment of *De Facto Relationships Act 1996*

This Act establishes a legislative scheme whereby a husband and wife de facto can make arrangements for property settlements. It is not proposed to alter the requirements of the scheme except to extend it to include persons of the same sex who cohabit with each other as a couple on a genuine domestic basis.

Part 20—Amendment of *Dental Practice Act 2001*

The amendments to this Act are consistent with proposed amendments in this measure to other Acts that regulate a profession.

Part 21—Amendment of *Development Act 1993*

In the Act amended in this Part, the definitions of ***de facto partner*** and ***domestic partner*** are to be inserted. A de facto partner is to be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not, and a ***domestic partner*** is defined as a spouse or de facto partner. The remainder of the amendments are consequential on the insertion of those definitions or provide for transitional arrangements.

Part 22—Amendment of *Domestic Violence Act 1994*

This Act provides for applications to be made to the Magistrates Court relating to an order restraining a person from committing domestic violence against his or her husband or wife, or his or her husband or wife de facto. It is proposed to extend this to allow persons of the same sex who cohabit with one another as a couple on a genuine domestic basis to make such applications if the circumstances require.

Part 23—Amendment of *Electoral Act 1985*

In the Acts amended in Parts 23 to 26, the definitions of ***de facto partner*** and ***domestic partner*** are to be inserted in the appropriate section of the particular Act. A de facto partner is to be defined as a person who is a de facto partner within the meaning of the *Family Relationships Act 1975*, whether declared as such under proposed Part 3 of that Act or not, and a ***domestic partner*** is defined as a spouse or de facto partner. The remainder of the amendments are consequential on the insertion of those definitions or provide for transitional arrangements.

Part 24—Amendment of *Environment Protection Act 1993*

Part 25—Amendment of *Equal Opportunity Act 1984*

Part 26—Amendment of *Evidence Act 1929*

Part 27—Amendment of *Family Relationships Act 1975*

73—Amendment of section 5—Interpretation

It is proposed to expand the definition of ***Court*** for the purposes of this Act to mean the Supreme Court, the District Court or the Magistrates Court.

74—Substitution of Part 3

It is proposed to delete current Part 3 (which provides for declarations in relation to putative spouses) and substitute a new Part that instead provides for de facto partners.

Proposed section 11A(1) provides that a person is, on a certain date, the ***de facto partner*** of another (irrespective of the sex of the other) if he or she is, on that date, cohabiting with that person as a couple on a genuine domestic basis (other than as a legally married couple) and he or she—

(a) has so cohabited with that other person continuously for the period of 3 years immediately preceding that date; or

(b) has during the period of 4 years immediately preceding that date so cohabited with that other person for periods aggregating not less than 3 years.

Proposed section 11 is an interpretation provision that clarifies the meaning of new section 11A(3), which provides that a person is not the de facto partner of another if he or she is related by family to the other. For the purposes of Part 3, persons are *related by family* if—

(a) one is the parent, or another ancestor, of the other; or

(b) one is the child, or another descendant, of the other; or

(c) they have a parent in common.

Proposed section 11A(2) provides that a person is, on a certain date, the ***de facto partner*** of another if he or she is, on that date, cohabiting with that person as a couple on a genuine domestic basis (other than as a legally married couple) and a child, of which he or she and the other person are the parents, has been born (whether or not the child was still living at that date).

Proposed section 11A(4) provides that a person whose rights or obligations depend on whether he or she and another person, or 2 other persons, were, on a certain date, de facto partners one of the other may apply to the Court for a declaration under section 11A.

Proposed section 11A(6) provides that, for the purposes of determining whether a person is to be recognised under the law of South Australia as the de facto partner of another, consideration must be given to the following:

(a) the duration of the relationship;

(b) the nature and extent of common residence;

(c) whether or not a sexual relationship exists, or has existed;

(d) the degree of financial dependence and interdependence, or arrangements for financial support between the parties;

(e) the ownership, use or acquisition of property;

(f) the degree of mutual commitment to a shared life;

(g) the care and support of children;

(h) the performance of household duties;

(i) the reputation and public aspects of the relationship.

75—Substitution of section 13

Proposed section 13 is substantially the same as a provision that currently appears in each of the Superannuation Acts and provides for confidentiality of proceedings relating to applications under this Act. New section 13 creates an offence (punishable by a fine of $5 000 or imprisonment for 1 year) if a person publishes ***protected information*** (that is, information relating to such an application that identifies or may lead to the identification of an applicant, or an associate of the applicant, or a witness to an application).

76—Transitional provision

This clause provides that if, before the commencement of this clause, a declaration has been made under Part 3 of the *Family Relationships Act 1975* that a person was, on a certain date, the putative spouse of another, the declaration will, if the case requires, be taken to be that the person was, on that date, the de facto partner of the other.

Part 28—Amendment of *Firearms Act 1977*

The proposed amendments to this Act are effected in the same way as the amendments proposed to the majority of the Acts to be amended by this measure.

Part 29—Amendment of *First Home Owner Grant Act 2000*

The amendments proposed in this Part do not work by reference to the *Family Relationships Act 1975*. Instead, reference is made to persons cohabiting as a couple on a genuine domestic basis (whether they are of the opposite or the same sex).

The transitional provision provides that an amendment made by this measure to the *First Home Owner Grant Act 2000* applies only in relation to an application for a first home owner grant made after the commencement of the amendment.

Part 30—Amendment of *Gaming Machines Act 1992*

The amendments proposed in Parts 30 and 31 are effectively the same as the amendments proposed to the majority of the Acts to be amended by this measure.

Part 31—Amendment of *Genetically Modified Crops Management Act 2004*

Part 32—Amendment of *Governors' Pensions Act 1976*

The amendments proposed to this Act will achieve consistency with other State Acts that deal with pension and superannuation schemes. ***De facto partner*** and ***domestic partner*** are defined by reference to the *Family Relationships Act 1975* consistently with the majority

approach taken elsewhere in this measure (that is, no declaration is required under that Act).

The other amendments are consequential but for the transitional provision which provides that an amendment made by a provision of this measure to a provision of the *Governors' Pensions Act 1976* that provides for, or relates to, the payment of a pension to a person on the death of a Governor, or former Governor, applies only if the death occurs after the commencement of the amendment.

Part 33—Amendment of *Ground Water (Qualco-Sunlands) Control Act 2000*

The amendments proposed in Parts 33 to 38 are consistent with the amendments proposed to the majority of Acts by this measure.

Part 34—Amendment of *Guardianship and Administration Act 1993*

Part 35—Amendment of *Hospitals Act 1934*

Part 36—Amendment of *Housing and Urban Development (Administrative Arrangements) Act 1995*

Part 37—Amendment of *Housing Improvement Act 1940*

Part 38—Amendment of *Industrial and Employee Relations Act 1994*

Part 39—Amendment of *Inheritance (Family Provision) Act 1972*

The amendments proposed to this Act require a declaration to be made under the *Family Relationships Act 1975*.

It is proposed to insert definitions of ***de facto partner*** and ***domestic partner*** and, as a consequence, delete the definition of ***spouse***. A ***de facto partner*** in relation to a deceased person is a person declared under the *Family Relationships Act 1975* to have been a de facto partner of the deceased as at the date of his or her death, or at some earlier date.

The amendments will only apply in relation to the estate of a deceased person whose death occurs after the commencement of the amendments.

Part 40—Amendment of *Judges' Pensions Act 1971*

The amendments proposed to this Act will achieve consistency with the other State Acts dealing with pension and superannuation schemes. It will no longer be the case that the spouse of a deceased former judge will be entitled to a benefit only if he or she was the former judge's spouse before the former judge ceased to be a judge. A person who is the domestic partner of a deceased judge or former judge at the time of death will be entitled to a benefit irrespective of when he or she became the domestic partner of the judge or former judge. However, because ***de facto partner*** is defined by reference to the *Family Relationships Act 1975*, a person can only be the de facto partner of a judge or former judge if he or she has cohabited with the judge or former judge for at least three years or is the parent of a child of whom the judge or former judge is also a parent.

The amendments proposed to section 4 will insert definitions of ***de facto partner*** and ***domestic partner***. Consequential amendments are also made to the definitions of ***eligible child*** and ***notional pension***.

Proposed new section 9 provides for the division of benefits where a deceased judge or former judge is survived by more than one domestic partner. Any benefit to which a surviving domestic partner is entitled under the Act will be divided between the domestic partners in a ratio determined by reference to the length of the periods for which each of them cohabited with the deceased as his or her domestic partner. A substantially similar provision is included in each of the Acts dealing with superannuation entitlements.

An amendment made by a provision of this measure to a provision of the *Judges' Pensions Act 1971* that provides for, or relates to, the payment of a pension to a person on the death of a Judge, or former Judge, applies only if the death occurs after the commencement of the amendment.

Part 41—Amendment of *Juries Act 1927*

The amendment proposes to use the term ***domestic partner*** instead of the term ***spouse*** in relation to describing certain persons who, because of their relationship with another, are ineligible to serve on a jury.

An amendment made by this measure to the *Juries Act 1927* does not affect the eligibility of a person to serve on a jury empanelled before the commencement of the amendment.

Part 42—Amendment of the *Legal Practitioners Act 1981*

The amendments proposed in Parts 42 to 48 are consistent with the amendments proposed to the majority of Acts by this measure.

Part 43—Amendment of *Liquor Licensing Act 1997*

Part 44—Amendment of *Local Government Act 1999*

Part 45—Amendment of *Medical Practitioners Act 1983*

Part 46—Amendment of *Members of Parliament (Register of Interests) Act 1983*

Part 47—Amendment of *Mental Health Act 1993*

Part 48—Amendment of *Natural Resources Management Act 2004*

Part 49—Amendment of *Parliamentary Superannuation Act 1974*

The amendments proposed to section 5 of this Act would have the effect of removing the definitions of ***spouse*** and ***putative spouse*** and substituting ***de facto partner*** and ***domestic partner***. ***De facto partner*** in relation to a deceased member or deceased member pensioner is defined to mean a person who was the member or member pensioner's de facto partner within the meaning of the *Family Relationships Act 1975* at the date of the death of the member or member pensioner. This clause also proposes consequential amendments to the definitions of ***eligible child*** and ***spouse pension***.

Current section 7A provides that a person who is the same sex partner of a member can apply to the District Court for a declaration that he or she is the putative spouse of the member. The District Court is required to make the declaration if the relationship between the two persons satisfies certain criteria. This section is redundant as a consequence of the proposed amendments to section 5. As a result of those amendments, the de facto partner of a deceased member, whether of the opposite or same sex as the member, will be entitled to a benefit if he or she is a de facto partner of the member within the meaning of the *Family Relationships Act 1975*. Section 7A is therefore to be repealed.

It is also proposed to repeal section 7B, which provides for the confidentiality of proceedings under section 7A. Section 7B is substantially the same as proposed new section 13 of the *Family Relationships Act 1975*. The protection afforded by section 7B will therefore continue and will apply equally to opposite sex and same sex de facto partners. Many of the proposed amendments are consequential on the above changes.

An amendment made by a provision of this measure to a provision of the *Parliamentary Superannuation Act 1974* that provides for, or relates to, the payment of a pension, lump sum or other benefit to a person on the death of a member, or former member, applies only if the death occurs after the commencement of the amendment.

Part 50—Amendment of *Partnership Act 1891*

The amendments proposed in Parts 50 to 54 are consistent with the amendments proposed to the majority of Acts by this measure.

Part 51—Amendment of *Pastoral Land Management and Conservation Act 1989*

Part 52—Amendment of *Pharmacists Act 1991*

Part 53—Amendment of *Phylloxera and Grape Industry Act 1995*

Part 54—Amendment of *Physiotherapists Act 1991*

Part 55—Amendment of *Pitjantjatjara Land Rights Act 1981*

This proposed amendment to this Act replaces the words "lawful or defacto spouse" with "domestic partner". For the purposes of section 25, a person is the ***de facto partner*** of another if he or she cohabits with the other as a couple of a genuine domestic basis but is not legally married to the other.

Part 56—Amendment of *Police (Complaints and Disciplinary Proceedings) Act 1985*

The amendments proposed to this Act are consistent with the amendments proposed to the majority of Acts by this measure.

Part 57—Amendment of *Police Superannuation Act 1990*

The proposed amendments to current section 4 of this Act would have the effect of removing the definitions of ***spouse*** and ***putative spouse*** and substituting ***de facto partner*** and ***domestic partner***. ***De facto partner*** in relation to a deceased contributor would be defined to mean a person who was the contributor's de facto partner within the meaning of the *Family Relationships Act 1975* at the date of the death of the contributor.

Currently, section 4A provides that a person who is the same sex partner of a contributor can apply to the District Court for a declaration that he or she is the putative spouse of the contributor. The District Court is required to make the declaration if the relationship between the two persons satisfies certain criteria. This section will become redundant as a consequence of the proposed amendments to section 4. As a result of those amendments, the de facto partner of a deceased contributor, whether of the opposite or same sex as the contributor, will be entitled to a benefit if he or she is a de facto partner of the contributor within the meaning of the *Family Relationships Act 1975*. Section 4A is therefore to be repealed.

Current section 4B (which provides for the confidentiality of proceedings under section 4A) is also to be repealed. Section 4B is

substantially the same as proposed new section 13 of the *Family Relationships Act 1975*. The protection afforded by section 4B will therefore continue and will apply equally to opposite sex and same sex de facto partners.

It is currently the case that the lawful spouse of a deceased contributor is entitled to a benefit if he or she became the lawful spouse of the contributor before the termination of the contributor's employment or if he or she cohabited with the contributor as the contributor's de facto husband or wife or lawful spouse for a period of 5 years immediately before the contributor's death. A spouse who does not satisfy those criteria is nevertheless entitled to a benefit if he or she is the natural parent of a child of the contributor.

As a consequence of the proposed amendments, the domestic partner of a deceased contributor at the time of the contributor's death will be entitled to a benefit irrespective of whether he or she was the contributor's domestic partner prior to the termination of the contributor's employment. However, because de facto partner is defined by reference to the *Family Relationships Act 1975*, a person will not be entitled to a benefit as the de facto partner of a contributor unless the person has, at the time of the contributor's death, been cohabiting with the contributor as a couple for 3 years, or the person is the natural parent of a child of whom the contributor is also the natural parent.

Other amendments are consequential or make provision for transitional matters.

Part 58—Amendment of *Problem Gambling Family Protection Orders Act 2004*

The proposed amendment to this Act has the effect of replacing the definition of ***spouse*** with ***domestic partner***. For the purposes of this Act, a person is the ***de facto partner*** of another if he or she cohabits with the other as a couple of a genuine domestic basis but is not legally married to the other.

Part 59—Amendment of *Public Corporations Act 1993*

The amendments proposed in this Part are consistent with the amendments proposed to the majority of Acts by this measure.

Part 60—Amendment of *Public Intoxication Act 1984*

The proposed amendment to this Act has the effect of replacing the definition of ***spouse*** with ***domestic partner***. For the purposes of this Act, a person is the ***de facto partner*** of another if he or she cohabits with the other as a couple on a genuine domestic basis but is not legally married to the other.

Part 61—Amendment of *Public Sector Management Act 1995*

The proposed amendments to the *Public Sector Management Act 1995* (as amended by the *Statutes Amendment (Honesty and Accountability in Government) Amendment Act 2003*) are consistent with the amendments proposed to the majority of Acts by this measure.

Part 62—Amendment of *Public Trustee Act 1995*

The proposed amendments to this Act will insert definitions of ***de facto partner*** and ***domestic partner*** and, as a consequence, replace references to ***spouse*** with ***domestic partner***. A ***de facto partner*** in relation to a deceased person is a person declared under the *Family Relationships Act 1975* to have been a de facto partner of the deceased as at the date of his or her death, or at some earlier date.

Other amendments are consequential.

Part 63—Amendment of *Racing (Proprietary Business Licensing) Act 2000*

The amendments proposed in Parts 63 to 70 are consistent with the amendments proposed to the majority of Acts by this measure.

Part 64—Amendment of *Renmark Irrigation Trust Act 1936*

Part 65—Amendment of *Residential Tenancies Act 1995*

Part 66—Amendment of *Retirement Villages Act 1987*

Part 67—Amendment of *River Murray Act 2003*

Part 68—Amendment of *South Australian Health Commission Act 1976*

Part 69—Amendment of *South Australian Housing Trust Act 1995*

Part 70—Amendment of *South Eastern Water Conservation and Drainage Act 1992*

Part 71—Amendment of *Southern State Superannuation Act 1994*

The proposed amendments to this Act remove the definitions of ***spouse*** and ***putative spouse*** and insert ***de facto partner*** and ***domestic partner***. ***De facto partner*** in relation to a deceased member means a person who was the member's de facto partner within the meaning of the *Family Relationships Act 1975* at the date of the death of the member.

Section 3A provides that a person who is the same sex partner of a member can apply to the District Court for a declaration that he or she is the putative spouse of the member. The District Court is required to make the declaration if the relationship between the two persons satisfies certain criteria. This section is redundant as a consequence of the proposed amendments to section 3. As a result of those amendments, the de facto partner of a deceased member, whether of the opposite or same sex as the member, will be entitled to a benefit if he or she is a de facto partner of the member within the meaning of the *Family Relationships Act 1975*. Section 3A is therefore to be repealed.

Section 3B, which provides for the confidentiality of proceedings under section 3A is also to be repealed. Section 3B is substantially the same as proposed new section 13 of the *Family Relationships Act 1975*. The protection afforded by section 3B will therefore continue and will apply equally to opposite sex and same sex de facto partners.

Other amendments are consequential.

Part 72—Amendment of *Stamp Duties Act 1923*

A proposed amendment to this Act will insert definitions of ***de facto partner*** and ***domestic partner*** and removes the definition of ***spouse***. For the purposes of this Act, a person is the de facto partner of another if the person—

(a) cohabits with the other as a couple on a genuine domestic basis (other than as a legally married couple); and

(b) has so cohabited continuously for at least three years.

This Act currently defines ***spouse*** to include the de facto husband or wife of a person who has been cohabiting continuously with the person for at least three years. The new definition of ***de facto partner*** is consistent with this but includes partners of the same sex.

Other amendments are consequential. A transitional provision will provide that an amendment made by this measure to the *Stamp Duties Act 1923* will apply only in relation to instruments executed after the commencement of the amendments.

Part 73—Amendment of *Superannuation Act 1988*

The proposed amendments to section 4 of the *Superannuation Act 1988* have the effect of removing the definitions of ***spouse*** and ***putative spouse*** and substituting ***de facto partner*** and ***domestic partner***. ***De facto partner*** in relation to a deceased contributor means a person who was the contributor's de facto partner within the meaning of the *Family Relationships Act 1975* at the date of the death of the contributor.

Currently, section 4A provides that a person who is the same sex partner of a contributor can apply to the District Court for a declaration that he or she is the putative spouse of the contributor. The District Court is required to make the declaration if the relationship between the two persons satisfies certain criteria. This section is redundant as a consequence of the proposed amendments to section 4. As a result of those amendments, the de facto partner of a deceased contributor, whether of the opposite or same sex as the contributor, will be entitled to a benefit if he or she is a de facto partner of the contributor within the meaning of the *Family Relationships Act 1975*. Section 4A is therefore to be repealed.

Section 4B, which provides for the confidentiality of proceedings under section 4A, is also to be repealed. Section 4B is substantially the same as proposed new section 13 of the *Family Relationships Act 1975*. The protection afforded by section 4B will therefore continue and will apply equally to opposite sex and same sex de facto partners.

Other amendments are consequential.

It is currently the case under section 38 of the Act that the lawful spouse of a deceased contributor is entitled to a benefit if he or she became the lawful spouse of the contributor before the termination of the contributor's employment or he or she cohabited with the contributor as the contributor's de facto husband or wife or lawful spouse for a period of five years immediately before the contributor's death. A spouse who does not satisfy those criteria is nevertheless entitled to a benefit if he or she is the natural parent of a child of the contributor.

As a consequence of proposed amendments, the domestic partner of a deceased contributor at the time of the contributor's death will be entitled to a benefit irrespective of whether he or she was the contributor's domestic partner prior to the termination of the contributor's employment. However, because ***de facto partner*** is defined by reference to the *Family Relationships Act 1975*, a person will not be entitled to a benefit as the de facto partner of a contributor unless the person has, at the time of the contributor's death, cohabited with the contributor as a couple for three years or the

person is the natural parent of a child of whom the contributor is also the natural parent.
A transitional provision consequential on the passage of this measure provides that an amendment made by a provision of this measure to the *Superannuation Act 1988* that provides for or relates to the payment of a pension, lump sum or other benefit to a person on the death of a contributor applies only if the death occurs after the commencement of the amendment.

Part 74—Amendment of *Superannuation Funds Management Corporation of South Australia Act 1995*

The amendments proposed in Parts 74 and 75 are consistent with the amendments proposed to the majority of Acts by this measure.

Part 75—Amendment of *Supported Residential Facilities Act 1992*

Part 76—Amendment of *Supreme Court Act 1935*

It is proposed to insert into this Act definitions of ***de facto partner*** and ***domestic partner*** and, as a consequence, replace references to ***wife or husband*** with ***domestic partner***. A ***de facto partner*** in relation to a deceased judge or master is a person declared under the *Family Relationships Act 1975* to have been a de facto partner of the judge or master as at the date of his or her death, or at some earlier date.

Part 77—Amendment of *Transplantation and Anatomy Act 1983*

The amendments proposed in Parts 77 to 82 are consistent with the amendments proposed to the majority of Acts by this measure.

Part 78—Amendment of *University of Adelaide Act 1971*

Part 79—Amendment of *Upper South East Dryland Salinity and Flood Management Act 2002*

Part 80—Amendment of *Veterinary Practice Act 2003*

Part 81—Amendment of *Victims of Crime Act 2001*

An amendment to this Act effected by a provision of this measure only applies in relation to a claim for statutory compensation for an injury caused by an offence committed after the commencement of the amendment.

Part 82—Amendment of *Wills Act 1936*

Part 83—Amendment of *Workers Rehabilitation and Compensation Act 1986*

The proposed amendments remove the definition of ***spouse*** and insert definitions of ***de facto partner*** and ***domestic partner***. For the purposes of this Act, a person is the de facto partner of a worker if the person cohabits with the worker as a couple on a genuine domestic basis (other than as a legally married couple) and the person—

(a) has been so cohabiting continuously with the worker for a period of three years; or

(b) has during the preceding period of four years so cohabited with the worker for periods aggregating not less than three years; or

(c) has been cohabiting with the worker for a substantial part of such a period and the Corporation considers that it is fair and reasonable that the person be regarded as the de facto partner of the worker for the purposes of this Act.

A person will also be the de facto partner of a worker if he or she cohabits with the worker as a couple and a child, of whom the worker and the person are the parents, has been born.
Other amendments are consequential.
The transitional clause makes it clear that an amendment to the Act effected by this measure that provides a lump sum or weekly payments to a person on the death of a worker will apply only if the death occurs after the commencement of the relevant amending provision.

Ms CHAPMAN secured the adjournment of the debate.

STATUTES AMENDMENT (LEGAL ASSISTANCE COSTS) BILL

The Hon. M.J. ATKINSON (Attorney-General) obtained leave and introduced a bill for an act to amend the Criminal Law (Legal Representation) Act 2001 and the Legal Services Commission Act 1977; and to make a related amendment to the Legal Services Commission (Miscellaneous) Amendment Act 2002. Read a first time.

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

That this bill be now read a second time.

The Statutes Amendment (Legal Assistance Costs) Amendment Bill amends two acts that deal with legal aid: the Criminal Law (Legal Representation) Act 2001 and the Legal Services Commission Act 1977. It also repeals a section in an amending act, the Legal Services Commission (Miscellaneous) Amendment Act 2002. I believe that provision has not yet been proclaimed but, unless we move swiftly to delete it, it will be proclaimed by the effluxion of time, namely two years from assent, a provision introduced by our parliamentary colleague the Hon. Martyn Evans, now the member for Bonython in the federal parliament and soon to be the member for Wakefield.

The bill does two things: it defines legal assistance costs in the same way in the two legal aid acts and makes the terminology in these acts consistent in describing how the Legal Services Commission (the commission) may recover and apply a contribution towards the costs of providing legal assistance to an assisted person, and also consistent with laws that allow the commission to use confiscated proceeds of crime to reimburse its costs of providing legal assistance. In doing so, the bill does not change the obligations or entitlements of assisted persons. The bill also clarifies the provision in the Legal Services Commission Act that governs the commission's relationship with legal practitioners it employs to provide legal assistance and with assisted persons.

I seek leave to have the balance of the second reading explanation incorporated in *Hansard* without my reading it.

Leave granted.

I will deal first with the amendments about the recovery of legal assistance costs.

Recovery of legal assistance costs

The *Criminal Assets Confiscation Act 1996* allows the property of a person charged with a criminal offence to be restrained from further dealings (pending the trial of the offence) if it has been acquired for the purposes of or used to commit a certain type of offence, or represents the proceeds of such an offence. It allows property restrained in this way to be used by the Legal Services Commission to defray the costs of providing legal assistance to that person.

The *Legal Services Commission Act* and the *Criminal Law (Legal Representation) Act* entitle the Commission to recover a contribution towards the costs of providing legal assistance from an assisted person and to use the money so recovered to pay those costs. At present, the definitions and terminology used in each of these Acts and the *Criminal Assets Confiscation Act* are not consistent and appear to confuse an assisted person's liability to make a contribution towards the Commission's costs of providing legal assistance with the Commission's liability to pay those costs. The Legal Services Commission says this may lead to problems of interpretation.

This Bill will ensure that the cost to the Commission of providing legal assistance to an assisted person is described in the same way, and has the same meaning, whether for the Commission's entitlement to seek reimbursement of it from the Treasurer under the *Criminal Law (Legal Representation) Act* or for the Commission's entitlement to assess and enforce an assisted person's liability to make payments towards it under the *Legal Services Commission Act*.

The Bill does not also amend the *Criminal Assets Confiscation Act*. This is because the Government intends to replace the criminal conviction scheme of asset confiscation in that Act with a civil scheme of asset confiscation, matching what happens in most other parts of Australia. The new legislation will describe the Commission's entitlement to use the proceeds of crime to meet the cost of providing legal assistance in a way that is consistent with the amendments made in this Bill.

I now turn to the amendments that deal with the Commission's responsibility for the work of its employed solicitors.

Section 29 of the *LSC Act*

Members may remember inserting a new section 29 of the *Legal Services Commission Act* when enacting s11 of the *Legal Services Commission (Miscellaneous) Amendment Act 2002* in October, 2002. The new section allows the Commission to undertake standard case management, supervision and quality assurance of the legal work of its employed legal practitioners (Commission practitioners) by creating an artificial retainer between the Commission and the assisted person.

At the request of the Commission, section 11 of the *Legal Services Commission (Miscellaneous) Amendment Act 2002* (inserting the new section 29) was not proclaimed, with the rest of the Act, to come into effect on 22 December, 2002. The Commission asked for the proclamation of this section to be postponed so that it could reconsider its effect in the light of concerns raised by the Law Society. The Law Society thought the section might be misinterpreted as applying to private practitioners. It also thought the creation of an artificial retainer between the Commission and the assisted person might have unintended consequences.

After thorough consideration and further consultation with the Commission and the Law Society, I have had section 29 redrafted. Clause 20 of the Bill substitutes a new section 29, and Part 2 of the Schedule repeals section 11 of the *Legal Services Commission (Miscellaneous) Amendment Act 2002*.

The new section 29 overcomes the initial problem identified by the Commission—that the retainer between a Commission practitioner and the assisted person may prevent the Commission, as employer, supervising that practitioner's work and re-allocating files where necessary.

Like the version inserted by section 11 of the *Legal Services Commission (Miscellaneous) Amendment Act*, the new section creates an artificial retainer between the Commission and the assisted person. Unlike the version in section 11, that retainer comes into play only when the Commission assigns work to a legal practitioner employed by the Commission (a Commission practitioner), and then solely for the purpose of the Commission's managing the provision of legal assistance to an assisted person by that Commission practitioner. In all other respects, and specifically in the application of Part 3 of the *Legal Practitioners Act*, the retainer is between the Commission practitioner and the client.

Of course, there may still be room for argument over where the line is to be drawn between the Commission's deemed retainer and a Commission lawyer's actual retainer with the assisted person. That cannot be avoided. The Commission can always safeguard its position further by spelling this out in its contracts of employment and in the conditions of aid for assisted persons.

There is also the possibility that a direct retainer between the Commission and assisted persons, even when confined like this, could place the Commission in a position of conflict of interest in cases of co-accused to whom legal assistance is provided by Commission practitioners. This is just one aspect of the Commission's potential exposure to conflict, a wider problem than can be dealt with in this Bill. I intend to consult further with the Law Society and the Commission to see if there is a need for legislation about this.

In commenting on section 11, the Law Society said that the artificial retainer between the Commission and the assisted person may place the assisted person at risk because the Commission would not be a legal practitioner in any relevant sense. In contrast to a private legal firm, the Commission would have no professional conduct obligations towards an assisted person and no professional indemnity insurance as a legal practitioner.

The Bill overcomes these problems. Like a private legal firm, the Commission may re-allocate files between employees and give directions on the conduct of a client file through its senior practitioners. It is accountable professionally for those actions because the Bill takes it, for precisely that purpose, to be the legal practitioner retained by the client. Equally, the Commission practitioner handling the file is bound to meet the professional standards set by legal professional conduct rules and is subject to the same professional requirements as any other legal practitioner. The Bill specifically says that Commission practitioners are retained by the assisted person for the purposes of Part 3 of the *Legal Practitioners Act.* Although Commission practitioners are exempted from taking out professional indemnity insurance under clause 15(2) of the Legal Practitioners Professional Indemnity Insurance Scheme 1996, they are covered by the Commission's own professional-indemnity insurance, obtained through SAICORP. Claims for legal-professional negligence are presently made against the individual Commission lawyer. If the retainer is between the Commission and the client, the claim may be made against the Commission rather than, or as well as, the Commission practitioner. The claim will be met by the Commission, whether the respondent is the Commission or the Commission lawyer, and from the same professional indemnity insurance fund. The assisted person is fully covered for any claim connected with the provision of legal assistance, whether this be against the Commission or the Commission practitioner.

Consultation over section 29 has taken a long time. Unless section 11 of the *Legal Services Commission (Miscellaneous) Amendment Act 2002* is repealed by 31 October 2004, it will come into operation by default of proclamation, and the unwanted version of section 29 will become law. To save time, the commencement clause of the Bill provides for Schedule 1 (that repeals section 11) to come into effect on assent. The rest of the Bill will come into effect on a date to be proclaimed in the usual way.

I commend the Bill to members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

This clause provides that the Act, apart from Schedule 1, will come into operation on a day to be fixed by proclamation. Schedule 1 will come into operation on assent.

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law (Legal Representation) Act 2001*

4—Amendment of section 4—Interpretation

This clause inserts a definition of ***legal assistance costs*** consistent with the definition in the *Legal Services Commission Act 1977*.

5—Amendment of section 6—Entitlement to legal assistance

This clause makes a minor amendment to the examples in section 6(3) of the principal Act to ensure consistency of terminology when referring to ***legal assistance costs***.

6—Substitution of heading to Part 5

7—Substitution of heading to Part 5 Division 2

These clauses substitute new headings as a consequence of the amendments made in relation to ensuring consistency of the terms ***contribution*** and ***legal assistance costs***.

8—Amendment of section 13—Recovery from financially associated persons

9—Amendment of section 14—Power to deal with assets

10—Amendment of section 17—Periodic accounts and final accounts

11—Amendment of section 18—Reimbursement of Commission

These clauses make minor amendments to ensure consistency of terminology when referring to payment of legal assistance costs by assisted persons and persons financially associated with assisted persons.

Part 3—Amendment of *Legal Services Commission Act 1977*

12—Amendment of section 5—Interpretation

This clause inserts and amends a number of definitions; in particular, it amends the definition of ***legal assistance costs*** to clarify what constitutes those costs for both practitioners employed by the Legal Services Commission (**Commission practitioners**), and private practitioners who provide assistance to an assisted person.

13—Amendment of section 18—Recovery of legal assistance costs from assisted persons

This clause makes amendments to ensure consistency of terminology when referring to ***legal assistance costs***. It also makes it clear that the Director may stipulate that a condition imposed on a grant of legal assistance may be that the assisted person indemnify the Commission in full for legal assistance costs.

14—Amendment of section 18A—Legal assistance costs may be secured by charge on land

This clause makes amendments to ensure consistency of terminology when referring to ***legal assistance costs***.

15—Amendment of section 18B—Special provisions relating to property subject to restraining order
This clause clarifies the position that an assisted person may be liable to the Commission for the whole of his or her legal assistance costs and that the Commission may secure that liability by a charge on property subject to a restraining order.
16—Insertion of section 18C
This clause inserts a new section 18C, which provides that the Director of the Legal Services Commission must determine a scale of fees for professional legal work.
17—Amendment of section 19—Determination and payment of legal assistance costs to legal practitioners (other than Commission practitioners)
This clause clarifies the situation in respect of payment of legal practitioners (other than Commission practitioners) who provide assistance to assisted persons.
18—Amendment of section 23—Legal Services Fund
19—Amendment of section 26—Commission and trust money
These clauses make amendments to ensure consistency of terminology when referring to ***legal assistance costs***.
20—Substitution of section 29
New section 29 provides that for the purposes of managing the provision of legal assistance to an assisted person by a Commission practitioner, the Commission—

- will be taken to be the legal practitioner retained by the person to act on the person's behalf; and
- may require a Commission practitioner to provide legal assistance to the person; and
- must supervise the provision of legal assistance to the person by the Commission practitioner.

Despite this, for the purposes of Part 3 of the *Legal Practitioners Act 1981*, the legal practitioner for an assisted person is the Commission practitioner required by the Commission to provide legal assistance to the person. The Director is responsible for ensuring that legal assistance provided to assisted persons by Commission practitioners is properly allocated and supervised.
Schedule 1—Related amendments
Part 1—Amendment provision
1—Amendment provision
This clause is formal.
Part 2—Amendment of *Legal Services Commission (Miscellaneous) Amendment Act 2002*
2—Repeal of section 11
This amendment repeals section 11 of the *Legal Services Commission (Miscellaneous) Amendment Act 2002*. Section 11, which has not yet come into operation, inserts a new section 29 into the *Legal Services Commission Act 1977*. The amendment made by this Schedule will ensure that section 29 as proposed in section 11 of the *Legal Services Commission (Miscellaneous) Amendment Act 2002* does not come into operation.

Ms CHAPMAN secured the adjournment of the debate.

GAMING MACHINES (MISCELLANEOUS) AMENDMENT BILL

The Hon. J.W. Weatherill, for the **Hon. M.J. WRIGHT (Minister for Gambling)**, obtained leave and introduced a bill for an act to amend the Gaming Machines Act 1992. Read a first time.

The Hon. J.W. WEATHERILL: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

On 20 June 2002 the Government directed the Independent Gambling Authority (IGA) to conduct an inquiry into the management of gaming machine numbers in South Australia. On 22 December 2003 the IGA provided its report to the Government. The full inquiry report was publicly released on 14 January 2004.

The Authority prepared its inquiry report following extensive submission and public consultation processes. All industry and welfare sector stakeholders had numerous opportunities to put their views to the Authority. With the information provided by these submissions and research specifically commissioned for this inquiry, the Authority formulated its position on issues as requested by the Terms of Reference.

The main recommendation of the report proposed a reduction in the number of gaming machines in South Australia by 3 000 or 20 per cent. Other recommendations include the ability to trade gaming machine entitlements, regional caps on gaming machine numbers, new processes for establishing gaming sites, five yearly renewable gaming machine licences and the establishment of a single special-purpose non-profit gambling entity to assist the clubs sector (to be known as Club One). The Authority's report outlines the rationale for these recommendations and the potential benefit, together with a package of other measures, to address problem gambling.

The Authority concluded that there is a causal relationship between accessibility of gaming machines and problem gambling and other consequential harm in the community. The Authority is satisfied that both the total number of gaming machines and the number of places where gaming is available should be reduced. The recommendations of its gaming machine numbers report are formulated to achieve that result and the Authority believes that there is support in the evidence that such action, when implemented with other current gambling reform measures, including the new advertising and responsible gambling codes of practice, will be effective in addressing problem gambling.

This Bill reflects the recommendations of the IGA report.

The current freeze on gaming machine numbers in South Australia expires on 15 December 2004. As previously indicated, this Bill will be a conscience vote for members of the government.

The reduction of 3 000 gaming machines is to be achieved through an initial cut of machines from large venues which will yield 2 461 gaming machines with the remaining machines to be removed through a compulsory relinquishment of a portion of machines associated with those sold through the newly established gaming machine entitlement trading system.

One gaming machine entitlement will entitle the holder of a gaming machine licence to operate one gaming machine.

The initial 2 461 cut in gaming machines is to apply as follows: venues with 28 or more gaming machines to be reduced by 8 machines; and venues with 21 to 27 gaming machines to be reduced to 20 machines.

Venues that have less than 20 gaming machines will not be required to reduce their number of machines.

The proposed trading system for gaming machine entitlements is to be established in the Regulations. A trade system by way of tender process would be operated by the Government; direct sales between licensees would not be permitted. Gaming venues wishing to sell entitlements would nominate the number of machine entitlements they wish to sell and (if they wish) a reserve price for each entitlement. Purchasers with pre-approval for additional machines could then bid for these entitlements.

The additional reduction in gaming machines to achieve the full 3 000 reduction in gaming machine numbers would occur through relinquishment of a portion of gaming machines sold through the trade system.

It is proposed that for every 3, or part thereof, gaming machine entitlements sold in trading, 1 additional gaming machine entitlement would be relinquished. For clubs this relinquished machine entitlement would be transferred to Club One, for hotels the relinquished entitlement would be cancelled.

The progressive cancellation of entitlements will achieve the 3 000 reduction in gaming machines. Once that goal has been reached hotels would no longer be required to relinquish machine entitlements but sales would become subject to a 33 per cent commission. The revenue raised from the commission would go to the Gamblers' Rehabilitation Fund. Club sector sales would not be subject to commission but would still be required to relinquish machine entitlements to Club One.

It is proposed that one round of trading of gaming machine entitlements would occur before the initial reduction in gaming machine numbers. This would aid the transition process for those venues that wish to continue to operate 40 machines and are able to purchase them through the trading system. The maximum number of gaming machines at any hotel or club is to remain at 40.

The Bill explicitly provides that no right to compensation arises for gaming machine licensees from these amendments or as a result of the cancellation or lapse of a gaming machine entitlement under this Act.

To provide a level of certainty on the future financial position of gaming venues the Bill provides that the taxation on gaming machine revenue will not be changed for a period of 10 years.

Amendments in this Bill will also allow the licensing of a single special purpose non-profit gambling entity to assist the clubs sector. This entity is referred to as "Club One".

Club One will be established as a board with specific minimum skills requirements on appointments. The intended operations of Club One will include:

1 Service assistance to club venues, for example management expertise and consulting services;

2 Assist existing clubs to relocate or co-locate machines to improve profitability;

3 Place gaming machine entitlements in gaming venues through the use of a newly established special club licence; and

4 Establish and operate gaming machine venues in its own right.

Club One will be able to receive machine entitlements from existing clubs and also be able to purchase entitlements in the trade process.

Club One is an entity that has the capacity to provide a significant advantage to the club industry. ClubsSA has indicated that it envisages that this entity will be able to distribute funds to clubs and sporting associations for the improvement of club facilities in the State.

Involvement in Club One will be totally voluntary for clubs. It is also proposed to provide for flexibility for clubs to amalgamate and relocate. This will assist clubs to be more profitable.

The Bill also provides for the date by which the Roosters Club Incorporated must cease trading at its current site, if it has not previously been relocated, to be amended to the commencement of the machine reduction provisions of this Bill. While the Club has advised that it has identified an alternative site it has not yet been able to address all of the technical requirements to move its operations. This amendment will provide the Club with the opportunity to use the provisions of this Bill to assist its transfer to alternative premises.

The Bill also proposes other measures consistent with the recommendations of the Authority.

Gaming Machine licences are to become renewable every 5 years. While an incumbent licensee would have the generally accepted expectation of renewal, the licence renewal process will provide an opportunity to satisfy the Liquor and Gambling Commissioner of on-going suitability, with specific reference to social impact on the local community and commitment to responsible gambling principles. The Commissioner would assess applications for renewal having regard to guidelines issued by the Authority for this purpose.

The test for issuing a gaming machine licence for a new site will be strengthened. In determining an application for a gaming machine licence the Commissioner will now also be required to have regard to the likely social effect on the local community and in particular the likely effect on problem gambling. Again the Commissioner will be required to have regard to guidelines issued by the Authority for this purpose.

The Bill also provides for regional gaming machine issues to be addressed. The Authority identified the significantly above average number of gaming machines in provincial cities as a matter of concern. The Bill will enable regulations to restrict the movement of gaming machines in geographic regions. It is intended to initially use this provision to assist to reduce the number of gaming machines in the State's provincial cities.

In addition to implementation of the Authority's report into gaming machine numbers the Bill also includes a number of technical amendments including the removal of the State Supply Board as sole gaming machine service licensee. Other technical amendments have been included following recommendations of the Liquor and Gambling Commissioner to strengthen regulatory and administrative processes.

The Gaming Machine Service Licence authorises the licensee to install, service and repair approved gaming machines, their components and related equipment. As required by the *Gaming Machines Act* the single licence is currently held by the State Supply Board. The Board fulfils the role of this licence through the appointment of agents approved by the Liquor and Gambling Commissioner, which carry out the work on the Board's behalf.

On 7 March 2003 the Government announced its support of an amendment to the *Gaming Machines Act 1992* to remove the State Supply Board as Gaming Machine Service Licensee and replace it with a more competitive arrangement. This decision was consistent with a finding of the national competition policy review of the Act, which found that the existing sole service licence held by the State Supply Board was inconsistent with competition policy principles. The National Competition Council has stated that this amendment is necessary to meet competition policy requirements.

The provisions of this Bill provide for Gaming Machine Service Licences to be issued to suitable applicants. The Liquor and Gambling Commissioner will issue licences subject to normal suitability assessments. The Commissioner will continue to approve gaming machine technicians to conduct work on behalf of gaming machine service licensees.

It will be an offence under the Act for a person to install, service or repair a gaming machine unless he or she is the holder of a gaming machine service licence or is approved as a technician for the holder of a licence.

These amendments will enable gaming venues to choose their service agents within the strict regulatory controls applied by the Liquor and Gambling Commissioner.

The State Supply Board will retain its Gaming Machine Suppliers Licence requiring all licensees to deal through the Board for the purchase and sale of gaming machines and associated equipment. This is considered important to maintain probity and integrity in gaming machine regulation and the retention of this provision is consistent with competition policy principles.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause if formal.

2—Commencement

This clause deals with the commencement. Subclause (2) provides that Part 2 (the extension of the moratorium) is to come into force on assent. The provisions reducing the number of gaming machines will come into operation on a date to be fixed by proclamation, but falling at least 4 months after the commencement of the provisions providing for the issue of gaming machine entitlements.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Gaming Machines Act 1992* (extension of gaming machines moratorium)

4—Amendment of section 14A—Freeze on gaming machines

This clause provides for the extension of the present moratorium on gaming machine numbers until the new provisions limiting the number of gaming machines that a licensee may operate to the number of gaming machine entitlements held by the licensee in respect of the relevant premises come into operation.

Part 3—Amendment of *Gaming Machines Act 1992* (gaming machine entitlements)

5—Amendment of section 3—Interpretation

This clause introduces definitions that are required by the new provisions.

6—Amendment of section 14—Licence classes

This clause provides for a new category of licence, namely, a special club licence to be held by Club One. It defines the Club One's right to operate gaming machines on licensed premises as agent for the licensee.

7—Substitution of section 14A

This clause provides that a gaming machine licence is to have a term of five years. It provides for random allocation of expiry dates to existing licences.

8—Amendment of section 15—Eligibility criteria

This clause deals with the right of Club One to hold a gaming machine licence (in addition to the special Club licence which does not authorise it to operate a gaming machine venue in its own right). It also modifies the criteria governing the grant of licences. The Commissioner is required to have regard to the likely social consequences of the grant of the licence on the local community, and in doing so, take into consideration any guidelines or criteria established by the Authority.

9—Substitution of section 16

This clause substitutes section 16 of the principal Act. The new provision limits the number of gaming machines that a licensee may operate by reference to the number of gaming machine entitlements held by the licensee in respect of the relevant premises. The upper limit on the number of gaming

machines that may be operated in any particular set of licensed premises remains at 40.

10—Amendment of section 24—Discretion to refuse application

This clause amends section 24 which deals with the Commissioner's discretion to grant or refuse an application. The Government believes that it is appropriate for the Commissioner to have a general discretion to refuse a licence but that the converse should not apply. The amendment provides accordingly.

11—Insertion of section 24A

New section 24A deals with the grant of the special club licence to Club One and the conditions affecting the licence.

12—Insertion of Divisions 3A and 3B

Clause 12 inserts divisions 3A and 3B. Division 3A (new sections 27A and 27B) deals with the renewal of a gaming machine licence. Division 3B (new sections 27C to 27E) deals with the issue, transfer and location of gaming machine entitlements.

13—Amendment of section 29—Certain applications require advertisement

This clause requires that an application for renewal of a gaming machine licence be advertised.

14—Amendment of section 37—Commissioner may approve managers and employees

This clause makes a consequential amendment relating to the approval of managers and employees.

15—Amendment of section 70—Operation of decisions pending appeal

This clause enables the Commissioner, the Court or the Authority to make appropriate temporary orders to suspend the effect of an order or decision pending an appeal.

16—Insertion of section 71A

This clause inserts a provision stating Parliament's intention that there should be a moratorium on increases in the rate of gaming tax for the next 10 years.

17—Insertion of section 88

This clause excludes any claim to compensation as a result of the amendments.

18—Amendment of Schedule 1—Gaming machine licence conditions

This clause adds a gaming machine licence condition limiting the number of gaming machines in a licensee's possession to the number of gaming machine entitlements held in respect of the relevant licensed premises.

Part 4—Amendment of *Gaming Machines Act 1992*

19—Amendment of section 3—Interpretation

Approved gaming machine manager is currently defined to include a director or member of the governing body of a licensee. The definition overlooks the case where a natural person is the licensee. This clause amends the definition so that the term also includes a natural person licensee.

20—Insertion of section 7A

This clause confers on the Liquor and Gambling Commissioner further procedural powers to deal with hearings:

- power to grant an application on an interim basis
- power to specify that a condition of a licence or approval is to be effective for a specified period
- power to grant an application on the condition that the applicant satisfies the Commissioner as to a matter within a period determined by the Commissioner
- power to revoke the licence or approval, or suspend the licence or approval until further order, on failure by the applicant to comply with the above condition
- power to accept an undertaking from a party in relation to the conduct of proceedings and, on failure by the party to fulfil the undertaking, to refuse to hear the party further in the proceedings subject to any further order of the Commissioner.

21—Amendment of section 14—Licence classes

The licence classes under the Act are adjusted so that—

- there may be more than one gaming machine service licence
- it is clear that such a licence is to be held by the proprietor of the business and not employees personally performing the work of installing, servicing or repairing gaming machines (who will be required to approved as gaming machine technicians, see proposed new section 50).

22—Amendment of section 14A—Freeze on gaming machines

23—Amendment of section 15—Eligibility criteria

The amendments made by these clauses are consequential on proposed new Part 3 Division 4A.

24—Amendment of section 26—State Supply Board to hold supplier's licence

The State Supply Board is no longer to hold a single gaming machine service licence.

25—Insertion of Part 3 Division 4A

New provisions are inserted modelled on sections 73, 74 and 75 of the *Liquor Licensing Act 1997*. These provisions allow continued operations under a licence by the devolution of the licensee's rights in the following circumstances:

- the death of the licensee
- the mental or physical incapacity of the licensee
- abandonment of the licensed premises by the licensee
- the bankruptcy, insolvency, winding up, etc, of the licensee.

26—Amendment of section 30—Objections

The Commissioner is empowered to allow an objection to an application for a licence to be made out of time. A provision is added to ensure objectors are parties to the proceedings on an application to which they have objected.

27—Amendment of section 36—Disciplinary action against licensees

28—Insertion of sections 36A and 36B

Various changes are made to the current provisions relating to disciplinary action against licensees:

- provision is made for the Commissioner to hold an inquiry, on the Commissioner's own initiative or on the complaint of the Commissioner of Police
- the forms of disciplinary action are extended to include a fine not exceeding $15 000 and disqualification from obtaining a licence
- a disqualification may be made to apply permanently
- a suspension or disqualification may be made to apply for a specified period, until the fulfilment of stipulated conditions or until further order
- any disciplinary action may be directed to have effect at a specified future time or at a specified future time unless stipulated conditions are fulfilled
- the Commissioner is required to give the licensee and the Commissioner of Police at least 21 days' written notice of an inquiry and afford them a reasonable opportunity to call and give evidence, to examine and cross-examine witnesses, and to make submissions
- the Commissioner is allowed to hear and determine a matter in the absence of a party if the party does not attend at the time and place fixed by the Commissioner.

29—Insertion of section 38B

The Commissioner may, on application by the holder of a gaming machine service licence, approve a natural person as a gaming machine technician for the holder of the licence.

30—Amendment of section 42—Discretion to grant or refuse approval

In order to be approved as a gaming machine technician, the Commissioner must be satisfied that the person is a fit and proper person to personally perform the work of installing, servicing and repairing gaming machines.

31—Insertion of section 42A

Part 3 Division 5 of the Act makes provision for the advertising of applications for licences and for objections to be made to such applications. A new section is inserted making similar provision in relation to applications for approvals under the Act.

32—Amendment of section 43—Intervention by Commissioner of Police

The Commissioner of Police is empowered to intervene in any proceedings for approval of a person on the question whether the person is a fit and proper person.

33—Amendment of section 45—Offence of being unlicensed

This amendment is consequential.

34—Substitution of sections 48, 49 and 50

Offences relating to:

- management of a gaming machine business or positions of authority in a licensee that is a trust or corporate entity
- employment in gaming areas

- approved gaming machine managers and employees carrying identification,

are made to apply in addition to the licensee.

A new offence is added requiring the work of installing, servicing or repairing a gaming machine to be personally performed by the holder of a gaming machine service licence or a person approved as a gaming machine technician.

35—Amendment of section 51—Persons who may not operate gaming machines

The list of licensees and others prohibited from operating gaming machines is extended to include the holder of a gaming machine service licence or a person in a position of authority in a trust or corporate entity that holds such a licence, or an approved gaming machine technician. An exception is made for operating gaming machines on licensed premises as necessary for the purpose of carrying out gaming machine servicing duties.

36—Amendment of section 52—Prohibition of lending or extension of credit

The offence under the section is amended so that the licensee is also punishable where the licensee's gaming machine manager or employee contravenes the section.

37—Insertion of section 53B

The Commissioner is empowered to give directions to secure gaming machines against unauthorised use or interference. The power may be exercised where gaming machines are left on licensed premises after the premises have been vacated by the licensee or the Commissioner has any reason to believe that gaming machines are not adequately secured against unauthorised use or interference.

38—Amendment of section 59—Licensee may bar excessive gamblers

The offence under the section is amended so that the licensee is also punishable where the licensee's gaming machine manager or employee contravenes the section.

39—Amendment of section 69—Right of appeal

The section currently allows an appeal against a decision by the person the subject of the decision. This clause amends the section to ensure that the right of appeal extends to other parties to proceedings such as objectors or the Commissioner of Police.

40—Amendment of section 72B—Recovery of tax

If default is made by a licensee for more than 10 days in paying gaming tax that is due and payable, the Commissioner may suspend the licence until the amount, and any fine, is paid.

41—Amendment of section 74—Annual reports

This amendment is consequential.

42—Amendment of section 82—Service

Provision is made for service of notices and other documents under the Act on persons other than licensees.

43—Amendment of section 85—Vicarious liability

Under this amendment, if there is proper cause for disciplinary action against a trust or corporate entity, there will be proper cause for disciplinary action under against each person occupying a position of authority in the entity unless it is proved that the person could not, by the exercise of reasonable care, have prevented the misconduct.

44—Amendment of Schedule 1

These amendments are consequential only.

45—Amendment of Schedule 3

This clause extends the Roosters Club licence until the new provisions for reduction of gaming machine numbers comes into force.

Ms CHAPMAN secured the adjournment of the debate.

OCCUPATIONAL HEALTH, SAFETY AND WELFARE (SAFEWORK SA) AMENDMENT BILL

The Hon. J.W. Weatherill, for the **Hon. M.J. WRIGHT (Minister for Industrial Relations)**, obtained leave and introduced a bill for an act to amend the Occupational Health, Safety and Welfare Act 1986, to make related amendments to the WorkCover Corporation Act 1994 and the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. J.W. WEATHERILL: I move:

That this bill be now read a second time.

I seek leave to have the second reading explanation inserted in *Hansard* without my reading it.

Leave granted.

This Bill is an important part of the Government's commitment to reducing the extent of workplace injury, disease and death in South Australia. It has been developed in response to recommendations contained in the Stanley Report into the Workers Compensation and Occupational Health, Safety and Welfare systems in South Australia. It furthers the Government's clear commitment to reforms aimed at improving productivity within workplaces by improving safety, reducing risks, and reducing long term workers compensation costs to business.

The key changes proposed in the Bill are:

Prosecution of Government Departments

The Bill contains specific provisions to make sure that Government Departments can be prosecuted for occupational health and safety offences. This reinforces the message that the Government is serious about improved occupational health and safety performance across all industry sectors: Government Departments are no exception. The Bill will ensure that Government is treated in the same way as all other industry sectors in terms of compliance with health and safety laws.

Non-monetary penalties for breaches.

Consistent with contemporary practices being considered or implemented in interstate jurisdictions, the Bill proposes that a new provision for a non-monetary penalty regime be established to provide further options for the Courts when convictions for occupational health and safety breaches occur. The non-monetary penalties contained in the Bill include:

- requiring specified training and education programs to be undertaken;
- requiring the organisation to carry out a specified activity or project to improve occupational health and safety in the State, or in a particular industry or region; or
- requiring that the offence is publicised—this could include a requirement to notify shareholders.

The consolidation of occupational health and safety administration

Currently, responsibilities for the administration of occupational health and safety are split between WorkCover and Workplace Services – part of the Department of Administrative and Information Services. This has lead to duplication and inefficiencies.

Additionally, a key finding of the Stanley Report was that the fragmentation of occupational health and safety administration has led to confusion in the community about which organisation is responsible for occupational health and safety issues.

The Bill proposes to consolidate all occupational health and safety administration into one organisation – to be known as *SafeWork SA*.

Under the Bill, Workplace Services, the Government's existing occupational health and safety agency, will be renamed as *SafeWork SA* and all existing occupational health and safety functions performed by WorkCover will be transferred to *SafeWork SA*. The transitional provisions detail the processes to apply for the transfer of resources to SafeWork SA. Removing occupational health and safety administration from WorkCover will also assist in ensuring that WorkCover focuses on its core responsibilities of the efficient administration of the workers compensation scheme, and ensuring the best possible rehabilitation and return to work outcomes.

The existing Occupational Health, Safety and Welfare Advisory Committee, a tripartite body, will be modified to create the *SafeWork SA* Authority. The functions of the *SafeWork SA Authority* are clearly detailed with a primary requirement for the new body to provide the Government with advice on occupational health and safety policy and strategy.

The SafeWork SA Authority will be the peak advisory body for all OH&S related activities in South Australia. The Bill provides for the appointment of an independent presiding officer and equal representation for employer and employee groups on the Authority.

Reforms to Occupational Health and Safety Training Arrangements

The Bill provides the infrastructure for the establishment of a balanced package of training reforms. This includes:

- providing the capacity for occupational health and safety training for occupational health and safety committee members and deputy Health and Safety Representatives under the regulations; and

- certainty that those workers who undergo prescribed occupational health and safety training will not be out of pocket for the costs incurred while training; and
- a requirement that responsible officers, the people with primary responsibility and control within a workplace, undertake at least a ½day of training about what it means to be a responsible officer.

The Government firmly believes that a wider knowledge and understanding of occupational health and safety in the workplace will make a real difference in improving occupational health and safety performance, and therefore in reducing the costs to industry and the community.

Inappropriate Behaviour at Work

The Bill provides the capacity for the effective use of existing structures to deal with the increasing number of bullying and abuse complaints being received by Workplace Services. The Bill provides that the professional and effective services of the Industrial Relations Commission of South Australia can be used to resolve what are often highly emotive and complicated problems within workplaces.

The provisions do not take away from the opportunity to resolve such matters at the workplace level. Where necessary, inspectors will investigate, consult and encourage a solution, based on the adoption of a systematic approach to the management of health and safety at the workplace. Where this does not result in favourable outcomes, the new provisions enable referral to a low cost, effective service at the Industrial Relations Commission. The Government is keen to evaluate the effectiveness of this process and has proposed a review of the referral process after 12 months of operation.

Variations to Inspectors' Powers

The Bill modernises inspectors' powers to be consistent with other Government investigators. To balance these changes existing provisions protecting parties under investigation from self-incrimination have been updated and strengthened.

Infringement Notices

Consistent with the recommendations of the Stanley Review, the Bill introduces expiation notices for certain offences under the Act. These are for failing to comply with an Improvement Notice or failing to notify compliance with the Notice to the Inspectorate.

Clarification of Employer's Duties

The Bill clarifies the employer's duty to ensure the health and safety of anyone who could be affected by risks arising from work. This clarifies that the employer's duty is an active one that must take into account the potential for harm to anyone who might be in the workplace, from contractors and labour hire employees through to customers, visitors, patients and children.

Record Keeping

The Bill includes a requirement for businesses to keep records of occupational health, safety and welfare training in any flexible format that suits the needs of the business. This will ensure that small business can demonstrate that they have met the training requirements under the legislation, while minimising any impact on operations.

Prohibition Notices

The Bill provides greater clarity about prohibition notices in relation to what is an "*immediate risk*". This clarification will ensure that the notice can be used in situations where plant is in an unsafe condition (eg. a vehicle with faulty brakes), but is not activated at the time of inspection. In these situations, the *immediate risk* arises when the plant is activated.

Time Limitation to Institute a Prosecution

The Bill contains amendments that will allow the Director of Public Prosecutions to extend the statutory time limit to initiate prosecutions. Examples where this may be appropriate include exposure to a hazardous substance that leads to an occupational disease of long latency, and the design, manufacture or supply of unsafe plant and buildings.

This Bill has been developed through open and extensive consultation. In relation to occupational health and safety, the Stanley review consulted with some 41 individuals and organisations: 68 written submissions were received. In developing the Bill a wide range of further detailed consultative sessions were held, and 36 further written submissions were received and considered.

The Government recognises the important contribution made by all the organisations and individuals that contributed through the consultative process. There was a significant degree of consensus achieved through the consultation process. This is testimony to the capacity in South Australia for all interested stakeholders to work together to achieve better occupational health and safety performance in this State.

The *Occupational Health, Safety and Welfare (SafeWork SA) Amendment Bill* demonstrates the Government's commitment to safer workplaces for all South Australians.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

An amendment under a heading referring to a specified Act amends the Act so specified.

Part 2—Amendment of Occupational Health, Safety and Welfare Act 1986

4—Amendment of section 4—Interpretation

This clause includes new definitions relevant to the provisions to be inserted into the *Occupational Health, Safety and Welfare Act 1986* by this Act.

5—Substitution of Part 2

A new authority to be called *SafeWork SA* is to be established. The new authority will have 11 members, 9 being persons appointed by the Governor, 1 being the Director of the Department (*ex officio*), and 1 being the Chief Executive of WorkCover (*ex officio*).

The Authority will have various functions in connection with the operation and administration of the Act, and in relation to occupational health, safety and welfare. The Authority will provide reports to the Minister. It will use public sector staff and facilities.

6—Amendment of section 19—Duties of employers

This clause makes it clear that employers must keep information and records relating to relevant occupational health, safety or welfare training.

7—Amendment of section 21—Duties of workers

This is a consequential amendment.

8—Amendment of section 22—Duties of employers and self-employed persons

This amendment revises and clarifies the duty of care of employers and self-employed persons under section 22(2) of the Act.

9—Amendment of section 27—Health and safety representatives may represent groups

10—Amendment of section 28—Election of health and safety representatives

These are consequential amendments.

11—Insertion of Part 4 Division 2A

This clause relates to the training of people involved in occupational health, safety and welfare in the workplace. The training scheme under the Act will now apply to health and safety representatives, deputy health and safety representatives, and members of committees. Provision is made with respect to remuneration and expenses associated with undertaking training. A person intending to take time off work to participate in a course must take reasonable steps to consult with his or her employer. Any dispute about an entitlement under the new Division may be referred to the Industrial Commission for resolution.

12—Amendment of section 32—Functions of health and safety representatives

This is a consequential amendment.

13—Amendment of section 34—Responsibilities of employers

This clause relates to the entitlement of a health and safety representative to take time off work to fulfil his or her functions under the Act.

14—Insertion of section 37A

This amendment is intended to make it clear that the taking of action under Part 4 Division 4 of the Act does not in any way limit the ability of any person to refer an occupational health, safety or welfare matter to an inspector or other relevant person.

15—Amendment of section 38—Powers of entry and inspection

This clause relates to the powers of inspectors. It will enable an inspector to be able to obtain information about the identity of a person who is suspected on reasonable grounds to have committed, or to be about to commit, an offence. An inspector will also be able to require a person to attend for an

interview, and to produce material, in specified circumstances.

16—Amendment of section 39—Improvement notices

An amendment under this clause will provide for an improvement notice to incorporate a *statement of compliance*, which is to be returned to the Department when the requirements under the notice have been satisfied. Failure to comply with the requirements of an improvement notice will now be an expiable offence.

17—Amendment of section 40—Prohibition notices

These amendments relate to prohibition notices. Currently, a notice may be issued with respect to a situation that creates an immediate risk to a person at work, or on account of any plant under Schedule 2. It is proposed that a notice will also be able to be issued if there is a risk to the health or safety of any person, or if there could be an immediate risk if particular action were to be taken or a particular situation were to occur. A prohibition notice will now be able to require that a particular assessment of risk occur.

18—Amendment of section 51—Immunity of inspectors and officers

19—Amendment of section 53—Delegation

20—Amendment of section 54—Power to require information

21—Insertion of section 54A

22—Amendment of section 55—Confidentiality

These are consequential amendments.

23—Insert of section 55A

This clause will establish a scheme that will enable certain types of complaints about bullying or abuse at work to be referred by an inspector to the Industrial Commission for conciliation or mediation.

24—Amendment of section 58—Offences

These amendments relate to offences under the Act. A scheme is to be established to allow proceedings to be brought against administrative units in the Public Service of the State. Another amendment will allow the Director of Public Prosecutions to extend a time limit that would otherwise apply under section 58(6) of the Act.

25—Insertion of section 60A

This amendment will insert into the Act a provision for a court, on the conviction of a person for an offence against the Act, to make various orders of a non-pecuniary nature. Under this provision, the court may—

(a) order the convicted person to undertake, or to arrange for one or more employees to undertake, a course of training or education of a kind specified by the court;

(b) order the convicted person to carry out a specified activity or project for the general improvement of occupational health, safety and welfare in the State, or in a sector of activity within the State;

(c) order the convicted person to take specified action to publicise the offence, its consequences, any penalty imposed, and any other related matter;

(d) order the convicted person to take specified action to notify specified persons or classes of persons of the offence, its consequences, any penalty imposed, and any other related matter (including, for example, the publication in an annual report or any other notice to shareholders of a company or the notification of persons aggrieved or affected by the convicted persons's conduct).

26—Amendment of section 61—Offences by bodies corporate

Responsible officers under section 61 of the Act will be required to attend a course of training recognised or approved by the Authority.

27—Amendment of section 62—Health and safety in the public sector

This clause is part of the scheme to allow proceedings to be brought against administrative units.

28—Amendment of section 63—Codes of practice

29—Repeal of section 65

30—Amendment of section 67—Exemption from Act

31—Amendment of section 67A—Registration of employers

These are consequential amendments.

32—Insertion of sections 67B and 67C

A specified percentage of levies paid to WorkCover under Part 5 of the *Workers Rehabilitation and Compensation Act 1986* is to be paid to the Department, to be applied towards the costs associated with the administration of this Act. The percentage will be specified by the Minister by notice in the *Gazette*.

Another provision to be inserted into the Act will require the Minister to undertake or initiate a review of the Act on a 5-yearly basis.

33—Amendment of section 68—Consultation on regulations

34—Amendment of section 69—Regulations

These are consequential amendments.

35—Substitution of Schedule 3

The scheme establishing the *Mining and Quarrying Occupational Health and Safety Committee*, presently contained in the *Workers Rehabilitation and Compensation Act 1986*, is to continue under the *Occupational Health, Safety and Welfare Act 1986*.

Schedule 1—Related amendments and transitional provisions

This Schedule sets out various related amendments of the *WorkCover Corporation Act 1994* and the *Workers Rehabilitation and Compensation Act 1986*. The Schedule also makes specific transitional arrangements to facilitate the transfer of certain staff currently employed in WorkCover, to deal with relevant property, and to ensure the continuation of the current membership of the Mining and Quarrying Occupational Health and Safety Committee. Another provision will require the Minister to undertake a review of new section 55A of the principal Act after 12 months. Another provision will require all current responsible officers to participate in a course of training within 3 years after the commencement of this measure, unless the particular officer has already participated in a course of training recognised by the Authority.

Schedule 2—Statute law revision amendment of the *Occupational Health, Safety and Welfare Act 1986*

This Schedule makes various statute law revision amendments.

Ms CHAPMAN secured the adjournment of the debate.

SESSIONAL COMMITTEES

The Legislative Council notified its appointment of sessional committees.

ADDRESS IN REPLY

Mr RAU (Enfield): I move:

That the following Address in Reply to His Excellency the Lieutenant-Governor's opening speech be adopted.

May it please Your Excellency, through Your Excellency—

1. We, the members of the House of Assembly, thank His Excellency the Lieutenant-Governor for the speech with which he had been pleased to open parliament.

2. We assure Your Excellency that we will give our best attention to all matters before us.

3. We earnestly join in His Excellency's prayer for the divine blessing on the proceedings of the session.

In speaking to the Address in Reply, I would like to make some remarks today of immediate concern to constituents in my electorate of Enfield. The theme of these remarks is a fairly simple one but an important one, being quality of life. In my view, this throws up two very important questions. The first is: what is a citizen entitled to expect of their government? The second is: where does the division between personal responsibility and government accountability begin and end? These are large questions, but I would like to address them through examples that impact on my constituents every day. I have chosen several areas of policy for this purpose, and I note that the Lieutenant-Governor spoke of many of these in his remarks the other day. I have chosen for this purpose areas of mental health, consumer affairs, the environment, local government, vocational training and public housing.

First, I speak in relation to mental health. Mental health services have undergone a revolution over the past few decades. Lofty-sounding rhetoric about the rights of man and the importance of deinstitutionalisation have at long last been swept away to reveal some harsh and unpleasant truths. What was sold as reform to bestow basic human rights on the mentally ill has so often turned into a right to be homeless, a right to suffer horribly without treatment and the ultimate right to die in tragic circumstances, often by suicide.

Human rights have been the Trojan horse for slashed spending and the withdrawal of support. If this was done in relation to any other serious health problem, there would be political mayhem. This is not the fault of the present government and certainly not the fault of the present minister, who is currently making brave attempts to tackle this problem. It is the fault of successive past governments in all states of Australia. It is now time to do something to address this immense problem. No solution will come quickly, but a solution will never come if we continue to delude ourselves with politically correct preconceptions. This problem is primarily a medical one. It requires a treatment-based medical model to deal with it. Airy-fairy human rights-based theory about the right to refuse treatment ignores the sad reality about some mental illness, that is, one needs to be rational to make a rational choice.

My electorate has more than its fair share of people with mental illness. Some are very ill. They are incapable of sustained independent living, yet they are routinely cut adrift in welfare housing. They endure their own personal living hell and they, not infrequently, share it with their hapless neighbours. In very rare cases, this becomes the stuff of tragic headlines. Others sleep rough and are prey to violence and disease. They clog the emergency departments of our public hospitals, along with a legion of elderly refugees from Medicare's bulk billing failures. Still others congest the correction system. Ironically, these people at least have come full circle to return to a variant of the state care from which they were expelled by deinstitutionalisation some years ago.

The community has a legitimate right to expect government agencies to protect it from potentially dangerous unwell individuals of which it is aware. Those unwell individuals have a legitimate right to expect that government agencies will not leave them to wallow in their own personal misery. We must restrike a balance in favour of medical intervention. We must make detention mean what it says. At present this is often not detention at all but little more than a request to stay put. There is no inconsistency between a medical model and detention. Indeed, elimination of risk to a patient and/or other members of the community may often be best served by meaningful detention. The tragic suicide of Sandra Sanders in 1997, reported on by the Coroner, illustrates this.

Where possible community treatment orders should be used in preference to detention, but this will not always work. These orders are only as good as the level of compliance. This is an especially hard nut to crack when privacy rules are abused to conceal information from loved ones of those patients lucky enough to have supportive families. Anecdotal evidence suggest that appeals by patients often succeed even where it is clear from the patient's history that the result will be another inevitable failure. Again, caring families are often denied a proper role by red tape.

In the medium and longer term, supported residential care facilities are desperately needed. Hostel-type accommodation is also needed. The reality is that a return to an institutional care model is unlikely, whatever merit it may have in theory. We must look forward and generate new models of care and treatment. In this context, I welcome the review presently being conducted by the minister. We must avoid at all costs the woolly preconceptions that gave us deinstitutionalisation in the first place. My electorate has many residents whose lives are being made a misery by the failure of our mental health services. Just a few such individuals have an immense adverse impact on whole suburbs. The community's voice has not been heard loudly enough in relation to this in the past. This must change. For too many of my constituents, the failures of our mental health services are never out of sight or out of mind.

In relation to the area of consumer affairs, it is reasonable to ask what it is that we as a government can look to expect from consumer affairs. We must expect all people to take reasonable care for their own welfare and the government cannot and should not indemnify fools for being foolish. The fact remains, however, that in our complex world the critical element for the prudent consumer is information.

To give an example from my own life, my wife and I recently purchased an airconditioner for our home. The unit is a reverse-cycle one and supplies all heating and cooling for the family. One important factor in our decision to buy this particular unit is what we were told about the warranty on the product. A few weeks ago this unit failed. My wife spent many frustrating hours making repeated phone calls and even tried herself to arrange a repair on behalf of the service agents. All of this ultimately came to nothing. After a delay, during which we froze, a technician did turn up. He inspected the unit and proffered the opinion that electricals in these units are not much good anyway, managed to get the unit going and told my wife to call back if it failed again. It failed again the following day and the whole irritating process with phone calls and so on began all over again.

As it turned out, two more sets of technicians came out and each found a separate fault. Only the last technician I am satisfied would have effected a complete repair to all faults. I have no doubt that my becoming very agitated sped up this process. But, even so, it still took some two weeks from start to finish. The point is that the warranty on this product is of limited value because it is almost impossible to access in a timely fashion.

I will not name this firm because my case may have been an unusually bad example of their service, and I sincerely hope so, but if this were a consistent pattern of conduct by this firm, consumers have a right to know, rather than being left to be caught by unscrupulous operators like insects on fly paper. I also believe that consumers need to be warned about certain companies that abuse pre-recorded messages and foreign-based call centre operators to the detriment of customer service.

I for one do not want to talk to a chap in Bangalore who has no idea where Adelaide is, let alone Kilburn, or converse with a computer. It is essential that the Office of Consumer and Business Affairs be more proactive in finding ways to make consumers aware of information that will assist them in making informed choices. The OCBA's web site, which I have recently had occasion to study, gives various tips, for example, on how to approach transactions, but there is no 'shame page' for posting the names of known cheats and rogues. This should change. In the field of real estate, for example, a record of proven complaints against an agent should be accessible on the net. Consumers should be able to check this list before listing with an agent, and I hope that the member for Morphett is happy to take up this matter.

In relation to consumer goods from cars to television sets, a 'lemon list' should be maintained to warn consumers of poor products. This would not only assist consumers but also put pressure on manufacturers, retailers and importers to think twice before offering junk for sale. Also, products and service providers which offer a warranty that is less than it promises to be should be listed and publicly shamed.

This would cost very little to set up but it would do a great deal to empower consumers. It is often said that local government is a very important tier of government because it is the closest level of government to the citizen. The key to local government's proximity to any community is the strength of the democratic process of electing citizens to councils and allowing them to set policy. In my observation, local government in some areas is approaching a profound crisis. Is it to remain, as intended, a citizens' forum or is it to become a remote autocratic cabal run by unelected council staff?

This question is more pressing than many people may realise. I am sure that, to some degree, this trend is evident all over South Australia. In one council of which I know elected members have been told by a manager, with the approval of the CEO, that they are not to approach council planning staff directly, for example. All contact is to be through managers. If an elected member has a matter raised with them by a ratepayer they cannot go straight to the relevant planner: they are required to approach the planning manager who, in turn, will ask the planner who will then, in turn, report back to the planning manager, who will then report back to the elected member, and so on.

This cumbersome game of Chinese whispers is a very handy tool for management keen on controlling any interference by elected members. In this same council, planning processes now occur in total secrecy. The irregular product of this secret planning process is now being erected all over the city. The transparency level is zero. Council staff employ the tried and true tactic of relying on legal advice. If elected members look like doing something that does not suit management's agenda, a legal opinion is sought. These opinions, which are selectively disclosed only to elected members, are invariably reported second hand by staff. They invariably support the staff line.

Elected members, who are not generally legally trained, are, in effect, bullied by unseen and even totally verbal legal opinions obtained by staff as and when staff consider them to be necessary. Elected members do not have the option of having truly independent legal advice unless they are prepared to pay for it out of their own pockets. To be entirely fair to council staff, this kind of thing would be much harder for them to achieve if all elected members involved stood up for themselves. A turkey that cannot wait for Christmas is hard to resist. In any event, the access of elected members to council information and staff must be explicitly enshrined in the act so as to prevent abuses such as these in the future.

Transparency and accountability must be promoted in the act. Foolish elected members and Sir Humphrey-style council staff should be flushed out and exposed. This creeping culture of exclusion and secrecy must be destroyed before it destroys local government.

The quality of life for many of my constituents in the Kilburn and Blair Athol area is a matter of serious concern due to industrial air pollution. Residents have grave fears for their own long-term health. I am very concerned, for example, that the Kilburn Primary School sits just metres from a major identified industrial source of these complaints. I should make it very clear that these factories have been where they are for a very long time, so have the houses that surround them and the Kilburn Primary School—there is nothing new in that. None of my constituents wants to see anyone lose their jobs. The fact is, though, that there is growing community concern about this issue.

I recently held a public meeting in June attended by the Minister for Environment and Conservation, and I held a subsequent public meeting attended by representatives of the Environment Protection Agency. I have written to the EPA requesting an urgent allocation of resources to establish a permanent monitoring station, perhaps in the grounds of the Kilburn Primary School. I am personally satisfied that this is a pollution hot spot, perhaps not unlike Port Pirie. We must urgently establish the facts about this pollution so that strategies to deal with the problem can be set in place. I do not jump to any specific conclusions about what ultimately will need to be done, but I am determined to see the evidence collected so that the process of addressing these community concerns can be advanced. We must empower communities by discovering the truth and being open about it.

In relation to the issue of training, in particular vocational training, my electorate has more than its fair share of unemployment and welfare dependency. I believe that welfare dependency is one of the greatest tragedies in our society. Dependency saps self-respect and encourages the grinding victim culture that creates a social underclass. It is the root of many evils in our society, from drugs to crime, to poor health outcomes. Its actual cost in dollars and human misery is incalculable. Work is critical to solve these problems.

I am particularly concerned about some of the new arrivals to this country. Our federal government is accepting refugees from the most culturally and linguistically remote places on our planet. These people are only given superficial training in our language and culture, and then tipped effectively into welfare housing. We are setting these people up to fail. I wonder what kindness our federal government is doing for these people. Unemployment and welfare dependency ultimately will mark these people out as our new underclass unless we do something about this and do something about it now. This problem is already beginning to emerge and it is growing.

More generally, we need to focus on vocational training, especially for the young. It is ridiculous that we should have skill shortages now and far greater projected shortages in the future. We should never rely on immigration to fill basic skill shortages when we have Australians capable of being trained to do the work. In a few years, we will be seriously short of tradesmen. In the building industry, we already are. This must be addressed. Partnerships between government, employers and industries are essential, and I commend the government on the steps that are being taken in this respect. Importantly though, small business must be involved. Plumbers, for example, are invariably small businessmen. Work is the key to social cohesion, work is the ticket out of the poverty and work is the bridge from victimhood to self-respect: it is too important to ignore.

Issues relating to public housing have also been of great concern to me and to my electors, and I am very pleased to see that the minister is present in the chamber today. On the record, I wish to applaud the steps taken by the minister since coming to office to impose greater discipline on disruptive tenants, particularly in Housing Trust areas. This is already beginning to show some fruits in my electorate.

However, a problem still remains with the processes of the Residential Tenancies Tribunal. The process whereby aggrieved neighbours can seek the removal of abusive neighbours is okay in theory but it is flawed in practice. How many elderly women living alone do we honestly expect to seek the eviction of abusive neighbours? These people suffer in silence because they are too afraid to do otherwise. I believe that either the trust needs to change the permanent nature of its tenancies or professional witnesses such as police must be permitted to represent fearful neighbours in the Residential Tenancies Tribunal. This is a major quality of life issue to many aged people, particularly aged female residents, of whom I have many in my electorate.

In closing, I would like to say that there is an important role for government in this state. This government is about working towards a plan for the future. It is not about just taxing and spending; it is about providing leadership and instilling private confidence. We can—and must—do things better than they have been done in the past. What is required is the courage to see through the fog of preconceptions and the will to embrace change. I believe this government has both.

The Hon. L. STEVENS (Minister for Health): I would like to begin by acknowledging Her Excellency the Governor of South Australia, Marjorie Jackson-Nelson. I note, of course, that she was unable to be here yesterday at the beginning of the 50th parliament. In her place, her deputy outlined a number of achievements in the health portfolio as part of his address, and I would like to take this opportunity to expand on some of those.

In its response to the Generational Health Review, the government laid out a 20 year reform plan based on careful leadership and cooperative reform. When this review was released in June last year, the government clearly spelt out its blueprint for health reform. This blueprint is the government's plan for the direction of health services in this state. There is no doubt that comprehensive reform of the South Australian health system is a very large task indeed. Our reform agenda encapsulates all of these related elements. This is the essence of the government's health reform agenda.

This agenda was developed after wide consultation with the entire South Australian public. Not only does it rest on the good sense and the good care of South Australians but also it is consistent with international trends in good health reform. Everywhere around the world countries are struggling with the same problems. The government's reform agenda recognises this, and that is why we are focusing on primary health care, prevention, better community management of chronic illness, and better approaches to quality and safety.

Our reform agenda has highlighted those areas of greatest need and has made us realise that if we are going to be successful in terms of reforming our health system and ensuring good-quality health services for this state we need clear direction. I can assure the house that we have that direction, that we have a clear plan. As many members will already be aware, we have chosen to focus our reform on building better governance, better services and better support systems. This plan is keeping us focused.

As part of our efforts to build better governance in the health system, we have established three new regional health services in the Adelaide metropolitan area: the Central Northern Adelaide Health Service, the Southern Adelaide Health Service and the Children's, Youth and Women's Health Service. As I informed the house yesterday, the boards of these new health services were put in place on 1 July this year. As I also informed the house yesterday, after an international search all of the new regional health services have been successful in appointing chief executive officers. Each of these appointees will bring vast experience to the vital task of providing an integrated system of primary and acute care and rehabilitation services in this state. Together with the new regional boards (chaired by Mr Ray Grigg, Mr Basil Scarsella and the Hon. Carolyn Pickles), they will play a vital role in providing leadership, driving reform change and continuing improvements in the ongoing delivery of health services for South Australia.

These new CEOs and chairs are absolutely critical to our health reform agenda. Through their leadership they will ensure both community and staff participation in the reform process. They will develop coordinated services and partnerships between public and other providers in metropolitan areas. This is no small task but it can be done.

Health reform in the metropolitan areas is already gaining unstoppable momentum, but the government has not ignored people in rural areas. We are also developing strategic directions for our country health services. These will be launched at the second country health conference in October this year. The strategic directions have been developed by consulting with regional board members, regional health service providers, health workers, partner groups, community groups, Aboriginal health advisory committees, and the seven country health reform groups that were set up to look at a variety of health issues affecting country health services. Without going into all the details, these strategies and directions will provide a tool for country regions and local health services to implement their own reforms in their own communities. This framework will provide a vision for health services and give direction to health planners, health providers and the community as to how to achieve better health outcomes for country people.

It will be used as a framework for improving health outcomes for people in rural, regional and remote parts of the state. It recognises that people who live in country areas have similar but different needs to people living in the metropolitan area. So, strategic directions for country health will look at how best to implement health reform in a way that takes into account the particular needs of their regional communities. The challenge will now be for the country regions and country health services to provide high quality health services and improve health outcomes for diverse sets of people living in country areas.

The South Australian health system is changing and it is changing for the better. In just over one year since the release of the Generational Health Review in this government's health reform agenda, our health system has been galvanised for change and I am impressed at the level of cooperation and commitment across the health sector. Without this, we could not have made so much progress toward reforming our health system as we have in such a short amount of time. I am especially pleased with the work that we have begun toward improving health and wellbeing in the early years. We recognise the importance of the early years and so investment in early childhood is a key component of our health reform agenda. My vision is to provide all children in South Australia with the very best possible start in life and this is why the Every Chance for Every Child initiative focuses on early intervention and harm prevention. It is geared towards those social and economic factors that impact on the health and wellbeing of children and young families.

Our newly rolled out home visiting program offers every family with a new baby a visit by a trained nurse in the family's home during the first few weeks of a baby's life. This ensures that parents have the support and practical assistance precisely when they need it most. Since the program began, 100 per cent of families with new born babies have been offered a home visit by a nurse. This means that each year about 900 families will be visited in their own homes by a trained nurse. Those families that need more intensive support will be offered additional visits and support continuing over the first two years of their baby's life. One hundred and eighty families in the outer northern and southern metropolitan areas of Adelaide are enrolled in the sustained home visiting program with a roll-out now commencing in Port Augusta, Whyalla and the Riverland. By providing help and support to children and young families early on we are providing the best opportunity for the best possible outcomes.

This program is a team approach and child health nurses work in partnerships with psychologists, social workers and indigenous cultural consultants. It is making a real difference. It has already resulted in the early detection of problems, not only in the newborns but also in some of their older brothers and sisters. Ensuring the wellbeing of our children before they face serious health risks is just one part of what our health reform agenda is about but it is an important part. So you can see that this is a practical, on-the-ground service that is making real differences in the lives of our children.

Building the health system's capacity to deliver appropriate primary health care in or close to the home is also a key part of the government's health reform agenda, and we are delivering on that recommendation. Our hospital avoidance initiative is critical to our primary health care approach. Hospital avoidance aims to allow people to receive care in their homes by providing a range of short-term services tailored to the needs of individuals and their families. Our hospital avoidance strategy has a number of dimensions to it and five specific strategies will be implemented in the coming year. The first of these is the provision of home supported discharge from hospital. This means that where possible, and with the recommendation of the doctor, patients may be discharged early from hospital so that they can recover in their own homes in a familiar, comfortable environment with the support of trained medical practitioners. This kind of home assistance is also being used to help people return home rather than being admitted to hospital after visiting an emergency department. Home assistance is also available for those people who live alone and have no-one to help them carry out their GP's instructions. With home assistance, people who needed to be admitted to hospital can now instead receive the care and support that they need at home.

Similarly, some people in nursing homes do not have to go to hospital if advanced nursing care can be taken to them. Some nursing home residents have already benefited from the service, which will be expanded by an extra 350 packages in the metropolitan area. By bringing medical assistance to nursing home residents, we are also avoiding possible hospitalisation for minor problems. We have also looked at ways of helping people with chronic disease to manage their treatment better. People with chronic conditions often need to take repeated trips to hospital. These constant trips to the hospital can themselves be the source of great stress and even further hospitalisation. We have discovered that some of these trips can be avoided if a worsening of symptoms can be detected and treated early. We are working towards this early detection by examining the profiles of those patients most frequently hospitalised and developing plans to manage risks to them caused by the condition.

In the area of mental health, the state has much ground to make up but we are making progress. Over the next four years we will be allocating an extra $13 million to crisis intervention and expansion of community-based mental health support services. In addition, we also have capital projects aimed at improving mental health facilities at the Queen Elizabeth Hospital, the Women's and Children's Hospital, the Noarlunga Health Service, the Lyell McEwin Health Service, Hillcrest, Glenside and Modbury. There have been improvements but there is much more to do. We want to move away from a mental health system that is just geared towards crisis response. We are strengthening primary health care services and have a plan to improve mental health services for those in our communities who are most vulnerable. If we are to sustain a viable and effective mental health system it is apparent that we need to reconfigure the current system and invest in early intervention, community-based support and community-based treatment options.

This government is serious about these commitments to the reform of mental health services. We have already put our money where our mouth is and have budgeted for increased funding from zero to $80 million over the next 10 years. We are improving services for the care of adult patients with a mental illness; we are improving services for people with drug and alcohol problems; we are establishing better links with GPs to develop Glenside as a rehabilitation centre, and introduce national standards and evidence-based care. We are improving consultation with nursing homes. We have committed $2 million over four years to ensure that mental health services are appropriately targeted towards children and young people and are also sensitive to the needs of Aboriginal people. We are increasing the amount of supported residential facilities. We are also committing to providing a 24-hour mental health crisis intervention service, registrar support, and the expansion of community-based support.

The next decade will be absolutely critical in how we approach the delivery of mental health services in this state. This government is at the half-way point of its term and it has already achieved a great deal. In the last two years we have gone from lagging to leading. We are committed to building a mental health system based on increased prevention, early intervention and health promotion. Since coming to government, we have boosted mental health spending by $20 million recurrent to a record $148 million and have, for the first time, committed to and funded a mental health capital works program. This government is committed to making up the ground that was lost in the previous decade. Mental health is too important to be ignored.

This government is also focusing on improving the safety and quality of health care and will continue to work according to the patient safety framework. This state-wide framework will continue to roll out the advanced incident monitoring system. This system provides for centralised reporting of actual and potential adverse events in health care. The use of a centralised system enables us to capture and monitor state-wide data used to target problem areas and facilitate system reform. We are continuing patient safety training workshops to enhance the ability of health care professionals to investigate adverse events from a systems perspective and to facilitate system change.

The protection of blood supplies is also an essential part of ensuring safety and quality in health care. The Department

of Health is currently building on the improvements in practice piloted by the Bloodsafe project. It is doing this by integrating into hospital operations safety and quality programs to improve clinical protocols appropriate to improve appropriateness of use and inventory management. This will ensure that blood administration procedures in public hospitals are best practice. We need the highest quality of practice in order to reduce the risk of errors and to ensure that we use this precious resource carefully. I will bring forward specific proposals to strengthen our quality and safety measures in South Australia. This will bring them into line with national and international standards.

An adequate and skilled medical work force is a vital component of ensuring safety and quality in health care. There is no resource that is as important as a quality work force. We are continuing to analyse and profile the South Australian medical work force to provide a timely and valuable foundation for medical work force planning in this state—something that has not happened before. This will help us develop and implement initiatives which target identified and impending areas of shortage in the medical work force. It will provide central coordination and streamlining of processes in order to better match available medical work force with vacancies.

My department will continue to be ready to respond to new and emerging issues in disaster and major incident management. We have installed two fixed multi-victim/chemical/biological/radiological decontamination units at the Royal Adelaide Hospital and Flinders Medical Centre. Planning is currently going ahead for the installation of two more such units at the Queen Elizabeth Hospital and the Lyell McEwin Health Service. This will enhance the level of response for our four major hospitals in treating people exposed to hazardous chemical, biological or radiological agents.

Good quality and safety practices and an experienced well trained work force are essential for a strong health system. But having quality structures in place is only one part of our primary health care reform agenda. We must first look for ways to prevent people from becoming sick in the first place. We must also remember that the promotion of healthy lifestyles is an important way to ensure the wellbeing of the people of this state.

It is important for our children to learn good eating and exercise habits early on. This is why I recently launched our knew healthy eating guidelines for schools just last week at the Royal Adelaide Show. These guidelines have been developed collaboratively with the Education Department as part of the state government's campaign to combat overweight and obesity among children. It would be a good idea if we all followed them, not looking at anyone in particular. The estimated annual national cost of excessive weight in Australia is $1.3 billion and rising.

There are so many benefits of a healthy diet and, not wishing to lecture everybody on this matter, they include greater life expectancy, greater productivity and less financial cost to the health system. Healthy eating can also improve behaviour (which may be very good for question time) and concentration in class. That is where it is particularly important in terms of improving educational outcomes for students. So, while we are working hard to ensure that we have a quality health service here in South Australia with best practice standards, we are sure that a preventive approach is also important. This is our primary health care agenda. This is our plan. But this is not a job that the government can do by itself.

The health reform process is dependent on the cooperation of so many different groups. I thank and recognise the members of the new regional boards and their communities. I thank members of all other regional boards and local health boards in country South Australia and their communities. I thank the health professionals and their many staff and my own newly formed Department of Health. It has taken all these players to come together. They have come together with a real determination to see the delivery of health services in this state begin this process of badly needed reform. It is through the sheer hard work and commitment of all of these people that we have already come so far so fast. We know that we have a long way to go. We have a lot of work to do, but we are committed to health reform for South Australia and we are lucky enough in this state to have a team of people to help drive forward this reform agenda.

Mr MEIER (Goyder): I thank the Governor's Deputy, His Excellency Bruno Krumins, for presenting Her Excellency's speech yesterday to this the 50th parliament. How time flies. I was sorry that Her Excellency the Governor could not be here because Marjorie Jackson-Nelson has done a wonderful job in serving the state, and she is always very welcome in my electorate. She is visiting my electorate next Thursday, but because parliament is sitting I am unable to be present during her visit. I thank her for again visiting the electorate and trust that it will be rewarding.

As members know, the Governor's speech is prepared by the government and, certainly, it reflects what the government will or will not do. In analysing in greater detail what the government will or will not do, I notice that, again, a key element seems to be related to plans or strategies. Many members in this place are getting a little sick and tired of hearing of plans, strategies and proposals and not seeing enough evidence of actual commitment or runs on the board. So far this government has been running on the fuel left by the previous government and it will soon start running out.

The government's replacement fuel will be inferior and, therefore, the state will not run in the same efficient manner that it has been over the last few years. In fact, as my colleague said, it will stall. I said either last year or the year before that there was no question that this current government would receive the benefits of the hard work done by the previous Olsen and Brown governments, and that had been darned hard work, too. They had to rescue the state from an absolute mess. They had to start to reduce the total debt, which was then $9.6 billion and escalating. They reduced it to about $3 billion, which was a phenomenal achievement in a relatively short period of time.

It meant, of course, that the Liberal government was not able to spend money in its first few years on its preferred areas. However, it started to spend money very effectively in certain key areas in its latter four-year term. The results of that are still being felt today, namely, our record export increases and our phenomenal increase in manufacturing output, as well as our attention to developing manufacturing and related industries. Certainly, there have been some classic examples in my electorate. One of the best examples would be the establishment of Primo Abattoirs, which commenced with some 35 people about halfway through the Liberal government's term of office. Today that company employs just over 300 people. It employs so many people from around our area.

Another great example is the establishment of Balco hay producers at Bowmans in my electorate. I think that it presently employs something like 60 people. Certainly, other industries are setting up adjacent to it, and it has a spur line from the rail line that goes through to Darwin. The potential is fantastic.

However, in the speech presented to us yesterday, the government's policy framework is the State Strategic Plan. That document was the culmination of widespread and so-called bipartisan public consultation and debate about the future of South Australia, but it does not say too much about how that plan is being implemented in the immediate future.

It also talks about the strategic infrastructure plan for South Australia. In fact, the first comprehensive infrastructure plan is soon to be released. I cannot wait to see it because I hope that the government will immediately reverse some of its recent decisions, and one key example is the water augmentation charge. I have written something like five or six letters to the Minister for Administrative Services (Hon. Michael Wright) since July this year. In fact, I wrote to him on 23 July in relation to this proposed charge. I wrote to the minister again on 30 July, 9 August, 10 August and, again, on 16 August.

I think that I have written to him since that last date, so it has been a continual stream of correspondence. Why have I written about this water augmentation charge? Because never before has Yorke Peninsula had to pay a water augmentation charge! We have had to pay the normal connecting charge of some $2 500, which is hard enough on property developers or people who buy land, but now we have water augmentation charges being introduced. What level of charges is involved? In the case of Ardrossan-Tiddy Widdy, it is $14 660, which means that you immediately add $14 660 to a block of land if you want to buy it in that area. That is a huge impost on developers and people wishing to purchase land on Yorke Peninsula.

In fact, it would appear diametrically opposed to what the government is saying it would like for this state, namely, economic development and future progress. If anything will kill progress, it is throwing on an extra augmentation charge of $14 000. However, I will admit that they are not all $14 000—that is the highest charge—but they are seeking to impose straightaway a charge of $3 000 per block in the Copper Triangle area (Kadina, Moonta and Wallaroo), and apparently that may well increase to $6 000 from the beginning of next year. I believe that the government wanted to impose the $6 000 immediately.

How does this compare to other augmentation charges around the state? It compares very unfavourably. I will highlight a few examples: Angle Vale and Virginia have a water augmentation charge of $928; Bordertown, $973; Lewiston-Two Wells, $928; Tumby Bay, $1 000; and Strathalbyn, $1 049.

What do they want to do to my area? They want to at least triple that amount immediately and possibly increase it by six times that amount as of next year. As I said, in the case of Ardrossan-Tiddy Widdy it is over $14 000. I think Port Vincent has a $10 000 charge. I have pleaded with the minister not to impose this sort of charge and indicated that the developers are literally beside themselves. One developer has indicated that, if it is applied, he will lose whatever the augmentation charge is on some 17 blocks. If it is at the minimum of $2 000, then he has lost $34 000. He said, 'I cannot pass it on to the people who have purchased those blocks because their contracts have already been signed and sealed, and you can hardly say, "I am sorry but I made a mistake some six, eight, 10 weeks ago and you I will have to pay another $2 000 per block".' It is what I would regard as outrageous and horrendous in relation to development in my area. Therefore, I hope that, when this infrastructure plan comes in, it will immediately reverse any such water augmentation charges.

What is a water augmentation charge about? Basically it is due to the fact that there is insufficient water to provide appropriate reticulated water for the development; in other words, they have to improve and upgrade the existing water supply. That is principally in the form of new pipes but it also might be in the form of additional storage. That is fully accepted. We have known that that has had to occur for what, 50 years. Obviously, with new developments, you have to make more facilities available. We have the River Murray situation before us day in and day out and how we need more water.

I would say that, if our system has run down to the extent that it is has—and I know that our government inherited a massive problem when it took office and I certainly was concerned about the amount which needed upgrading (at least it was upgraded a little, such as building new storage dams at Paskeville and installing new pipes in some areas)—and it needs this major upgrade, let us spread the burden across the state. Why should the people who already have water and who have been lucky enough to receive it under the current system not make a contribution of, say, $1 per quarter (or some such figure) which would ease the burden, rather than charging new people who want to buy land between $3 000 and $14 000? Usually these people will be the young marrieds, the ones who can least afford to pay extra for their land, or, in some cases, if they buy a land and house package, then it is a total increase in cost.

I am not terribly happy with what is occurring and I will be very interested to see the strategic infrastructure plan. Hopefully, it does not ignore the problems currently facing us and it will dispense with some of these ridiculous charges. It is also noted that the plan will set out priorities over time frames of five and 10 years and that the immediate infrastructure priorities are Port Adelaide and Outer Harbor and the new Adelaide Airport terminal. Is this anything new? The answer is no. The initial planning stages of Port Adelaide and Outer Harbor were determined by the previous Liberal government. I well remember in my final months as cabinet secretary of the government sitting around the cabinet table looking at the plans. So, this was implemented by the Liberal government.

All members would recall debating in this house the sale of Ports Corp and the fact that the Liberal government provided money for the upgrade of Port Adelaide and Outer Harbor as a condition of that sale. As a backbench member of that committee, I recall that we insisted that no sale would take place unless appropriate moneys were made available to help upgrade the ports. Of course, that has taken some years to flow through, but we are getting there.

Regarding the new Adelaide Airport, again I recall that all but one had signed. In fact, I think they may have all signed: the government, Ansett and Qantas, but when Ansett went through the hoop that finished it. I was not overly impressed when Premier Rann indicated that he had at least got things done. Former premiers have done more than their fair share, and no government could have done anything about the new Adelaide Airport when a large company such as Ansett falls through the hoop. What I am saying is that both these

immediate priorities are former Liberal government initiatives. Therefore, the sheet is blank as far as new political Labor Party initiatives are concerned, and that worries me.

Further in the address to the parliament yesterday we see that under the strategic plan the government aims to treble the value of our export income to $25 billion a year by 2013. The Liberals expended a huge amount of energy on increasing our exports with a great deal of success: I think they increased from about three or four billion to nearly eight or nine billion. So, we made huge headway, but that did not come without a lot of darned hard work by the ministers and members of parliament. For example, I remember that the Hon. Caroline Schaefer was the head of the Food for the Future committee which demanded a lot of her attention. I also remember that the Hon. John Dawkins was involved in the regional development part of it.

This could then be equated to various committees chaired by members of parliament and by some ministers themselves. The ministers adopted very much a hands-on approach together with their departmental officials. So, this did not happen by accident, but since we left office our export income seems to have tapered out and to be decreasing. I would like to know what the government is doing by way of a hands-on approach to ensure that its target of trebling the value of export income by 2013 occurs. Of course, it is easy to set a target nine years ahead because many members of this government will not then be members of parliament, and I hope the government will no longer be in office by that time. So, it would be easy for them to get out of a commitment nine years down the track.

A state manufacturing strategy is being developed under a 10-year plan to tackle the changes facing that sector. That is fine, but there are some immediate problems facing this state, two of which have been highlighted recently in the media. On 6 September there was an article in *The Advertiser* headed 'Union unrest slows Holden output', which related to car component manufacturer Air International, which makes car seats, climate control systems, carpets and pedals for Holden's and Mitsubishi. It appears from this article that the workers were not happy with the 5 per cent per year pay rise over the next three years so they were conducting a 'go slow' campaign. I think I have read subsequently to that that Holden's have had to decrease their output considerably, and that is costing many millions of dollars.

On 9 September, three days later, there is another article headed 'Holden faces a 21 per cent pay rise demand', which states that increases of 7 per cent a year would increase the pay of senior workers at Holden's (who were then in receipt of $60 000 a year) by $80 a week. On my calculations, employees working on the production line at Holden's would then be earning $64 000 a year. We must be careful not to push the system to such an extent that Holden's says that it can no longer afford to build cars at a competitive rate in South Australia.

I remember, when we were in government, I went on a tour of Holden's, and one of the things that was said to us, being members of the governing party, was that if electricity prices were not attended to or considered more seriously, then Holden's may have to consider moving, because they are competing with car companies in Victoria and overseas. They indicated that Ford and Toyota were able to get electricity at a significantly lower price than we were. That was before electricity was privatised, and we all know that we have always had to pay a lot more for electricity than interstate, and they said the government hopefully would attend to that because if the worst comes to the worst they would simply have to relocate. In this day and age, we well understand that it may not be only be interstate that the company would relocate but it could well relocate overseas, and China seems to be offering lots of incentives to companies such as Mercedes-Benz to set up and, in fact, they are setting up in China.

I think that we need to be very careful that we do not seek more and more because, if these major companies decided that they could not afford to produce their product economically here, it would not matter what pay rate workers were getting, they would finish up with unemployment benefits if the company moved offshore. Again I hope that the government is looking at that aspect. The Labor party is traditionally a party that represents the unions and they therefore would be close to the unions, and I hope that they would be encouraging responsibility in this particular area.

I also wish to highlight roads in relation to the state manufacturing strategy. If we are going to have an increase in state manufacturing in our country areas (and I highlighted two examples, Primo and Balco, for both of which roads are very important, particularly Balco) then appropriate moneys need to be directed. Again, the previous government directed appropriate moneys but I have become a little frustrated in recent times at the hassles in road funding in my electorate and I will cite two examples. First, the road leading out of Maitland to Moonta, and back in April this year as I was coming into Moonta I noticed that they had widened a considerable section—I think it was something like four or five kilometres—and the shoulder sealing was excellent.

I stopped and spoke to the workers at the site and they said that the company overseer just happened to be down the road. So I chatted to him and asked when he was going to put the seal on this shoulder and he said that there was no money for actually sealing it—it was just to have it in the non-sealed condition. I said that that would surely break up within the next six to 12 months and it would literally be wasted money, and he agreed. I then asked how much it would cost to shoulder seal and he said it would be about another $200 000 to $220 000. I asked what that would equate to and he said that if they did one kilometre less of the road sealing they would have the money. I told him to leave it with me, and I immediately contacted the new Minister for Transport, the Hon. Trish White, via an urgent letter asking her to please ensure that the sealing occurred, otherwise it would be a total waste of money in the longer term.

This was in April and I finally got an answer back, I think, last week. Whatever the case, it was September—five months later for an urgent ministerial response that I wanted. And, by the way, my office had made contact on several occasions during the intervening five months. Surprise, surprise! Guess what the answer was: no, it was not considered appropriate to actually seal the section that had been widened. So, in my opinion it will be a total waste of money within the next two to three years. Why can governments not attend to some simple little things like that that can save our state so much money in the longer term?

The second thing is that a previous Liberal government initiative was to reconstruct the road from Port Wakefield to Kulpara, the road through to Kadina. A significant amount of this road had been completed before we left office, two and a half share years ago now. Since then we have had another small section done across from Wild Dog Hill Corner to the South Hummocks and there is still a section of several kilometres to be done. It is particularly rough and undulating

and dangerous, especially to people towing boats or caravans and to heavy vehicles or semitrailers. I was under the impression that it was supposed to have been done last financial year, but we are now well into this financial year and nothing has been done. Again, I wrote an urgent letter to the minister several weeks ago but I have still not received a reply.

I hope it is going to get started soon, because one of the problems is to have it all done in the middle of the Christmas holidays. We have thousands of extra people coming to the Yorke Peninsula during this time and it is very disconcerting for them if they are interrupted by major roadworks. I have a suspicion that if roadworks get done now it is going to cause a problem, but I want the road done. You would think that the government could just plan a little ahead and make sure that it has minimum interruption to the way things operate in respect of tourism.

In fact, I noticed in the Lieutenant-Governor's speech that the government recognised that tourism was a significant generator of jobs and economic growth, particularly in regional and rural communities. My only comment there would be to ask why the funding is being cut—I think on a regular basis, but certainly by a significant amount since this government has taken office. I believe that so much of that tourism infrastructure money that the previous Liberal government directed into regional areas is still having significant impact, and I highlight one key example.

For years the road from Corny Point to Marion Bay was a shocking and unsealed road. Many tourists were caught out travelling from Corny Point to Marion Bay along this exceptionally rough road and felt that their caravan had been jolted out of existence. So, the former Olsen government offered $1.5 million to the district council to offset the cost of sealing it—in fact, the government was going to pay for half of it and finished up paying $2 million. The road is a magnificent road and the tourists are absolutely delighted because they can now get to the most visited national park outside of the metropolitan area, namely, Innes National Park, via Corny Point, and then come back by an alternative route which goes virtually straight into Warooka, or not far out from Warooka. That was a great boost to the area, and I would say we would get probably thousands of extra tourists per year as a result of that money being spent on road infrastructure which was directly related to tourism, because very few locals live on that road and therefore very few locals would use that road. So, it is all very well to mention tourism in the speech but I do not think an appropriate amount is being done for tourism.

My time is nearly up, but I highlight the fact that over the next two financial years we will have an extra 200 members of the police force. I applaud that, but the trouble is, as we heard yesterday in this house from the member for Light, that instructions have been going out that police are not allowed to return certain calls to mobile phones. If that is the case, we will need a lot more than 200 extra police officers, because that is simply to maintain normal attrition levels. It is evident from the wait that my constituents at Mallala had to get a replacement police officer that we need additional police, and not to mention Balaklava where there was a vacancy for quite some time. In yesterday's paper we see that there is an increasing number of people driving without a licence, and that carries a $2 500 fine or a gaol sentence. I think we will have many more people put into gaol if the government is serious about policing road rules and laws. Members know that I think we have gone to a ridiculous situation with regard to speed limits, and I am so frustrated from time to time trying to work out what speed limit I am supposed to be observing because it changes so often since we brought in the 50 km/h laws. Also, we have 40 km/h still in place and the 60 km/h and 70 km/h limits.

Mr Brindal interjecting:

Mr MEIER: My colleague says we should stick to 20 km/h. I can tell him that that does not go down well on country roads. Even in my country area we now have 100 km/h and 110 km/h limits, which worries me greatly. I admit that, these days, I concentrate more on looking for the speed sign than on the road and traffic conditions, and that is an unsafe situation. Public servants have their way of determining speed limits but I think we need a rationalisation. Many thousands more drivers will lose the twelve points, and I might highlight that in a separate grievance speech. I would like to know what the government will do. I have not seen the plans for the new gaol but obviously it has that in hand because, with its policy on law and order, it will have hundreds, if not thousands, more people in gaol.

Time expired.

Mr BRINDAL (Unley): I think I have spoken over the years to something like 15 addresses in reply, and I am distressed to have to criticise the speech delivered by His Excellency the Governor's Deputy yesterday. I do so not as a direct criticism of the Governor's Deputy but of the Executive Council, with whose concurrence and permission and on whose advice he delivers the speech. It is an absolutely immutable rule that parliament is entitled to the truth and that no error can be permitted in this chamber without it being challenged.

I do not say lightly that I believe the Governor's Deputy's speech yesterday contained some matters that were wrong in fact and therefore could be held to be misleading of this parliament. While some of those issues are matters of policy, and therefore deserve the attention and debate from both sides of this chamber, others were not matters of policy. I draw the attention of the house most particularly in that regard to this sentence, which I heard the Governor's Deputy deliver and which I then checked against delivery in the printed speech:

> In this November the State Opera will stage the first Australian production of Wagner's *Ring* Cycle.

I do not know what possible justification there is for that sentence. I have asked some of my colleagues opposite in the corridors and they actually said, 'Well, it may well be that this production is fully Australian.' I want the government to answer that because there have been, under the Hon. Di Laidlaw, and I think under this government, two or three Australian productions of the *Ring* Cycle. Members opposite might say, 'Well, that is nothing,' but it is something because the Governor is not entitled to come into this place and mislead it. This house deserves an explanation, not to embarrass the Crown but from the members of the Governor's Executive Council who serve in this place, of the preposterous nature of that assertion.

There have been several productions of the *Ring* Cycle in Adelaide. The Hon. Diana Laidlaw instigated those productions. They were highly successful and, if the government needs any evidence, I suggest that it ask the former Governor's First Lady, Lady Joan Neal, whether she has not been to every production and sat through them. Perhaps Lady Joan Neal is inclined to tilt at phantoms and does not know what

she is seeing—some sort of Don Quixote character—but I think not.

If there have been those productions, I would like the government to explain by what right the Executive Council has the Governor's Deputy come in here and say that this is the first Australian production. Maybe it has more Australian content, maybe it is the first time they build the scenery, but it is not an excuse for misleading the parliament, and Erskine May is quite clear: errors of omission or not saying something when you know the truth to be otherwise is a constructive misleading of this parliament.

I turn now to other matters that are maybe matters of policy, but before I do so I also criticise what has become almost the fad of acknowledging this land to be, in the words of the Governor's Deputy, 'I thank Elder Lewis O'Brien of the Kaurna people for his welcome onto this land today.' If there is one forum in which I think a welcome on to the Kaurna land is inappropriate, it is in this chamber of this parliament. As I understand it, this is a parliamentary democracy and this chamber and the other chamber in which we were guests yesterday is the sovereign territory of all the people of South Australia. There is no superiority of any group and the land that constitutes the parliament is owned in trust and held in trust by this parliament for all the people. So, acknowledging prior ownership is both trite and wrong.

I would like to deal very briefly with the more important issue, namely, the sanctimonious lip service paid at virtually every public event I go to acknowledging that we are on Kaurna land. I refer to Elder Uncle Lewis O'Brien for something he said to me when I visited him in his Taperoo home. I said, 'Uncle Lewis, what am I?' He said, 'What do you mean "What are you?"'. I said, 'I am a fourth generation South Australian and I was born at Memorial Hospital, which is basically on the banks of the Torrens.' His reply to me I found interesting, namely, 'You are one of us.' By that I am quite sure he did not mean that I was a Kaurna person and certainly not a Kaurna elder.

He pointed out to me that, in Aboriginal custom and belief, people who are born in a certain place have an indissoluble attachment to that land, and that I, being born on the banks of the Torrens, had a dreaming and a right to territoriality in that place that was not the same as but similar to that possessed by all Aboriginal people who have been born here time out of time. He was saying to me, as a Kaurna person, as a member of the Aboriginal community, that those who are born on this land equally are custodians of this land and share its dreaming. What is more offensive, I think, to Aboriginal belief, with the trite white words that are used to get away from doing anything to help the Aboriginal people, is the anathema embodied in the concept.

Any Aboriginal person will tell you that you come from the land and that you are a custodian of the land but that, in Aboriginal culture, it is impossible to own the land. The land is beyond ownership and, if anything, the land owns us. So, to say that we are on Kaurna land in many ways is anathema to their belief. We may well be on land for which they are the traditional custodians and whose culture we should acknowledge, but they themselves do not claim ownership of the land. They claim subservience to the land, dependence on the land and a need to protect and nurture the land.

If ministers are going to come in here, go to everything and get up and say, 'I want to acknowledge that I am on Kaurna land,' let them at least understand what the Kaurna people meant by 'their land'. They did not mean ownership. But let us also try to move on from there. Members in this place and I—in fact, everyone in this state—can acknowledge that this was land which was traditionally owned by the Kaurna people, the culture of whom we should uphold and from whom we can learn much. But to turn around and try to say in ways that we are all interlopers on a foreign shore in land that does not belong to us really belongs in a different century. It has been going on now for four or five years, and it is actually about time that we moved a little past it and got on with modern contemporary Australia in which all people who were born here share an equal duty towards the land form from which we come.

There is enough in the Governor's speech to be able to address this house for seven or eight hours, but I want to acknowledge previous Liberal public servants. They may not necessarily have put this together but, in many ways, as my friend the member for Goyder said, the whole speech appears to be a cobbling together of previous addresses of governors over the last eight years. I am struggling to find much new in here. However, I was drawn, as I have been preoccupied with it over the last 12 months, to the following sentence:

> The Every Chance for Every Child initiative focuses on early intervention and prevention in an effort to improve the health and wellbeing of children and families.

I looked at that and I thought, 'Well, here is something good. Here is something commendable.' Unfortunately, I went on to try to find the substance. I did find one thing, and I acknowledge the government and give it credit for this. It has a program whereby every baby receives a visit by a nurse in the family home during the first few weeks of its life, and since then 98 per cent of families with newborn babies have been offered a home visit by a nurse. I would like the government, in the course of this address or in the course of this session of the parliament, to say what the difference is: 98 per cent were offered the visit but how many actually received a visit?

It is one thing to be offered a visit, it is another thing for the visit to be accepted and it is a third thing to determine how many actually received a visit, because, if it is like child abuse reports, many child abuse reports are made and very few are acted on. If the government is sending out letters saying, 'Look, we will come and visit you and your baby,' it would be really nice if someone actually made the visit. I want to know what the difference is between the substance and the reality. However, I would also like some minister to explain this statement:

> A culturally appropriate model of the visits programs has been developed for Aboriginal families, and 20 per cent of families of Aboriginal descent are already enrolled.

I am at a loss to understand whether that means that when a woman is pregnant she has to enrol, so 20 per cent of Aboriginal families are enrolled who are pregnant and therefore will get a visit, or whether 20 per cent of Aboriginal woman who have had babies are being visited. Because, either way, unless I am missing something, that puts a lie to the government's assertion that it is doing so much for Aboriginal families.

If 98 per cent of women who are having babies are receiving visits (and that is a good figure; we accept that as what was meant), and only 20 per cent of Aboriginal women who are having babies are getting visits, then we are letting down those Aboriginal people very badly, because the last statistic I saw suggested that Aboriginal people, while a small percentage of the population, have a birthrate higher than the white population. If only 20 per cent of Aboriginals are receiving this benefit, guess what—we might be discriminat-

ing against Aboriginals, even though this government reckons it has this culturally sensitive model and it is the last thing it would do—it is probably still doing it.

I notice also on that same issue that they have now had a conversion literally on the way to the AP lands, because the Governor's Deputy said:

> My government will consider new measures for Aboriginal consultation, engagement and representation—based on its understanding that decision making and priority setting must fully involve Aboriginal people.

Hello, hello: not what I heard the Deputy Premier say in here when he completely stuffed up. And they are not words that I would usually use in this chamber, Madam Acting Speaker, but it does apply to the Deputy Premier's handling of the AP lands, coming in as he did like some sort of bull in a china shop, creating all sorts of mayhem and then saying quite piously on Matthew Abraham's and David Bevan's program, 'Look, give me the choice: I will either come in and try to fix it and muck it up but at least I tried to fix it.' It sounded quite valiant. At the end of the day, he still mucked it up. He might have thought he was not mucking it up, but he still mucked it up, and then the government appointed someone, although not in consultation with the Aboriginal people.

I am the member for Unley, in case members did not realise. I probably have one—

Ms Ciccarello: They're not going to put you back there, darling.

Mr BRINDAL: A member of my faction will not interject while I am speaking. I am speaking about the member for Norwood: it is very rude to interject on your own factions. I would possibly represent one of the lowest proportions of indigenous voters of anyone in this house—I do not know that for a fact but I think it would be fairly close—yet I had a visit from senior elders in the AP lands and senior academics of the University of South Australia about this very issue; that is, they were worried that this government was not fully engaging them. And the member for Norwood should stop trying to kiss me across the chamber. If she wants to do it, let her come over here; that is fine, but do not do it at a distance. The fact is that I had senior Aboriginals visit me because they were worried about the way in which this government was handling their right to be informed and involved, particularly in a voting process, which they told me—

Mrs Geraghty: You only had some of them come, because then there are the others.

Mr BRINDAL: That is true and I actually understand. The member interjects that I only had some of them come, not the others. I do know that there are politics in Aboriginal affairs. I am not that naive, but I do also know that it was quite obvious that, for at least some of the people, this government had not provided satisfactory answers. I would think that all members sitting in this chamber—none of whom claims indigenous descent—would tread very carefully before we picked winners or decided which side was right and that we would—

Mrs Geraghty: I was not picking a winner.

Mr BRINDAL: The honourable member says that we're not picking a winner. Well, it's interesting that the Governor's Deputy's speech—

Mrs Geraghty interjecting:

Mr BRINDAL: No. It is interesting that the Governor's Deputy's speech will consider new measures. Presumably, that is new measures over and above what you have already done, or they would not be new measures. These are new measures for Aboriginal consultation, engagement and representation based on the understanding that the decision and priority setting must fully involve Aboriginal people. If you are saying that you did that six months ago, why are you now coming in here and saying it again? You are either again (through the Governor's Deputy's speech) misleading the parliament or recycling old news or you've got it wrong and now you are trying to fix it. I put to you in absolute fairness that the latter is the truth: you've got it wrong.

You had a deputy leader who engaged the mouth and then the brain, and the rest of you, the decent members of the caucus (and I know there are many who kept him under control), kept a lid on this thing, and you are now trying to paddle like ducks. A duck floats on the water and then paddles like crazy underneath. That is a very good description of the Labor caucus. God help us if we did not have the caucus to keep this executive under control, because South Australia would be in trouble. So, long live the Government Whip, long live the member for Norwood, and long live the member for Enfield and certain others, because this caucus keeps what could otherwise be only described as a ratty executive under control.

The Hon. M.J. Wright: Good member, the member for Norwood.

Mr BRINDAL: If the member for Norwood got her just dues she would be sitting virtually where you are sitting now. Now, let me come to it: 21 000 square kilometres—

Ms Ciccarello interjecting:

Mr BRINDAL: Listen, member for Norwood, you might learn something—21 000 square kilometres of land in the Unnamed Conservation Park have been given to the Maralinga Tjarutja and the Pila Nguru people for the day-to-day management of that land. I just want to share something with this house. I think as far back as Don Dunstan this land was originally offered to those same people but they did not want it, and they did not want it for two reasons. The government deserves some credit, if it was the Dunstan government; it was the previous Labor government. It did not offer it to them with any management expertise or development or any rangers; they just said, 'Here, this is your land, look after it.' This approach is more intelligent, since I believe that the government is giving with the land some management expertise and help with management development and daily management of the park.

However, that was not the only reason why the people did not want it. I remind members that I taught on that land for three years. It encompasses the Nullarbor Plain, and there is no surface water and very little game at any time. You get a few kangaroos and a few emus, generally the old bucks that have been kicked out of the herd, and the lone species. There is very little bird life because there is no surface water. My understanding from the local people is that, whilst it was not taboo country—it was not bad land and you simply could not go onto it—it was not considered good land, and they did not use it. It was not part of their birthing cycle, their dreaming paths or anything else; it was simply, if you like, wasteland. Like *Gerontian* by T.S. Eliot: *The Waste Land*.

So, when they were offered it all those years ago they said they did not want it because it had no relevance to them and it was of no use. They have obviously changed their mind because they have signed this agreement. They may have done that because the government has improved its consideration of the way in which it will treat the management of this land by way of a partnership with the Aboriginal people. That, if it is true, deserves some applause. But to turn around and trumpet this as a brave new initiative of the government

when it has been 20 years in the making, and when they did not want it in the beginning, is hardly something, I think, that is going to set even Ceduna on fire, let alone the rest of South Australia.

So then, we come back to this: what are they really going to do? We know that they are going to arrest hoons, and they are going to do these things—

Mrs Geraghty: Don't you support that?

Mr BRINDAL: I do. I have to tell the Government Whip that I have to support that. The image that this house confronted yesterday of a scantily clad Attorney-General rioting down the street, trying to catch people that he has never succeeded in catching—goodness me! Could you imagine if you lived in the Attorney-General's street and you were disturbed by hoons and you went to the front door and saw a semi-naked Attorney-General rioting down the street, trying to tell you that he was not some sort of pervert or freak, but that he was actually trying to catch somebody that you could not see? I think that he puts this house in danger of falling into great disrepute. Next we will read in the paper that the Attorney-General was seen clad only in his bike and his excuse will be that he was trying to arrest the hoons. Of course, I support the proposition. One could not do otherwise. The Attorney has all but threatened us. Who would want to see that sight?

Mrs Geraghty: That is not a good reason to support it.

Mr BRINDAL: No, I assure the whip that South Australia deserves better than a semi-naked Attorney-General, and I will do my best to—

Mrs Geraghty: Obviously you support it because you care for your constituents who are terrorised by these people.

Mr BRINDAL: The whip is being very cruel because she knows that he has got such a fetish for clothing at present and he is such a fop that he probably has jocks made by some English tailor and they have probably got red, white and blue stripes on them. In fact, it might be a fashion statement. He has probably got a fob watch in his jocks, a little chain thing hanging there.

Mrs Geraghty: What about a tie?

Mr BRINDAL: He probably wears a tie without a shirt. That is true. I defer to the whip.

The Hon. W.A. Matthew: You wear a suit mowing the lawn.

The ACTING SPEAKER (Ms Thompson): Order! I suggest the member return to the Address in Reply.

Mrs Geraghty: How bizarre.

Mr BRINDAL: We were talking about bizarre things, and I acknowledge that sometimes I can be bizarre, Madam Acting Speaker. Talking about bizarre things, we will get right back to the words of the Governor's Deputy, because he talked about modernising the child protection curriculum. Hello, hello. They have suddenly discovered that stranger danger is a stupid thing to be teaching kids because 80 per cent of child abuse occurs within families.

The Hon. M.J. WRIGHT (Minister for Administrative Services): I move:

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

Motion carried.

Mr BRINDAL: They have discovered that 80 per cent of child abuse occurs in families and it is therefore quite reasonable not to keep telling kids that they are in danger from strangers when some of them are, in fact, probably statistically in more danger in their own familial background. But a government that claims to be protecting and addressing the issues of children seems strangely silent on addressing the up and coming shortage of teachers. It is known around Australia that we will face a teaching crisis within less than the next half decade. I am 56 years old and I am about the average age of most teachers, and the problem is that I think that something like 70 to 80 per cent of teachers are aged between 50 and 60. So, we are doing a lot for education but what are we doing to encourage people into our universities to take up teaching degrees?

I raise that in the context of child protection, because when I started teaching 40 per cent of all teachers in primary schools were males. Well, try to spot a male in a primary school today; try to spot a male going into university. And why would you? If you were the age of the member for Colton's son, for instance, and were considering a career in teaching, if I were the member for Colton I would not advise him to go into primary school teaching because you are almost by definition considered a paedophile if you put your hand up for primary school teaching. If that sounds a bit over the top I am sorry, but it is absolutely a reality and most teachers are talking about it. We have a right to protect our children, we have a right to have these inquiries that are going on, and we have an absolute obligation to address the ills of the past. However, like most things we have no right and no responsibility to denigrate or not support good people who would make ideal primary school teachers—and to actually drum them out of a profession before they go in there, because the current fashion is that everyone who is a male and who wants to teach a child under 12 has, by definition, got to be a paedophile.

It is about time the pendulum in this place stopped at the point of moderation and commonsense, and that we actually stuck up for children. With divorce running, some say, at about 50 per cent, how many children who perhaps have no male role model at all are faced with being educated entirely by women until they reach puberty? And how many of them are likely to suffer some sort of change in their natural social development as a consequence? I am not a child psychologist so I do not know, but I do know that there is reading that suggests that what makes a person whom they are as an adult comes down to the combination of where they come from as a child. If you put people in artificial situations where they are exposed to only one gender for their formative years, will this change whom they become as adults? I do not know, but I tell you that at present we are conducting that grand experiment and in 10 or 20 years' time we are likely to see the result.

I hope I am not alive if that result is a bad one, because every person sitting in this chamber will be responsible. We are the leaders in this generation and we are letting it happen. The minister at the table is younger than I, and it will be no good his sitting in the old folks' home saying, 'I didn't mean it to happen; I didn't realise this was going to be the consequence.' Commonsense should always guide this place. It is all right to take the Labor side or to take the Liberal side, and it is all right to have differences of opinion, but in the end this place should be guided by one rule and one rule alone: that is, what is commonsense. And a lot of what is happening is simply not commonsensical.

I conclude by saying that I note that in the hope of weeding out some of these undesirable people from the teaching profession the government has announced it is going to do a check-up on all teachers. Maybe that is a good idea,

but I put to the minister and to this whole house that 80 per cent of the teaching force is over 50 and are 56, 57, up to 60, and many of them are males who have never had a complaint, whom no-one has ever suggested is a paedophile, but they will all be checked on. I think it is an enormous waste of resources and an enormous insult to people who have followed their profession for 30 or 35 years to now be told, 'Wait a minute, there might be something wrong on you. We are checking up on you.' I have absolutely no hesitation in saying that there should not be paedophiles in the teaching force, but to actually go on a witch-hunt and denigrate people who have served the children of South Australia and this government for a lifetime is wrong. I hope that they are making the checks on women as well as men.

Time expired.

Mr BROKENSHIRE secured the adjournment of the debate.

ADJOURNMENT

At 6.07 p.m. the house adjourned until Thursday 16 September at 10.30 a.m.