HOUSE OF ASSEMBLY

Wednesday 28 June 2006

The SPEAKER (Hon. J.J. Snelling) took the chair at 2 p.m. and read prayers.

CLIMATE CHANGE AND GREENHOUSE EMISSIONS REDUCTION BILL

The Hon. M.D. RANN (Premier): I seek leave to make a ministerial statement.

Leave granted.

The Hon. M.D. RANN: In 2004 I said that the metabolism of our planet was on a collision course with the world's economy and that the way in which we live and do business was taking a toll on our environment, a toll we could no longer leave to our children to pay. Ultimately, global warming poses a greater threat to humans and our planet than even the horror of terrorism. Emissions of carbon dioxide, or CO^2, continue to be the biggest cause of climate change, and that is why we as a state, nation and planet must tackle greenhouse gas emissions if we are to avoid the most dangerous effects of climate change. Although our state is aiming to achieve the Kyoto Protocol greenhouse emissions target in the first commitment period—which is between 2008 and 2012—as part of South Australia's Strategic Plan, most international research suggests that we need to cut emissions more significantly beyond Kyoto.

In line with this, the state government today releases Australia's first Climate Change and Greenhouse Emissions Reduction Bill for public consultation. It will commit the state to a target of reducing greenhouse gases by 60 per cent of 1990 levels by 2050, which I understand the opposition also supports. It will also commit South Australia to increasing the state's use of renewable energy so that it will comprise 20 per cent of total electricity consumption by 2014. So, that is something in terms of the long term, the medium term and the short term. This legislation, by law, will commit South Australia to increasing the state's use of renewable energy so that it will comprise 20 per cent of total electricity consumption by 2014, which is within eight years. No other mainland state or territory in Australia will come close to this target. The closest is Victoria, which has set a 10 per cent target by 2010, although I understand not with legislative backing. With existing and planned wind farms, we have surpassed that target in Victoria and will now aim for 20 per cent, which will put us not only into leading Australia but also to being a leader internationally.

This will build on the target set down in South Australia's Strategic Plan. We have long-term, medium-term and short-term targets to tackle climate change in this state. In the short term, a number of government initiatives become law on 1 July 2006—this Saturday—including:

- new buildings and major renovations to have solar or high-efficiency gas hot water systems;
- a new rebate of up to $400 to plumb rainwater tanks into existing homes, which was announced during the March state election campaign; and
- mandatory requirements for new homes to have plumbed rainwater tanks.

South Australia will become the first state in the nation—and one of only a few places in the world—to enshrine a cut in greenhouse gas emissions in legislation. I am told that California, under the leadership of its governor Arnold Schwarzenegger, and Alberta, Canada, under the leadership of my friend the premier there, are the only places with legislation enshrining emissions targets in law. New South Wales, Sweden and the United Kingdom have all set targets to reduce greenhouse gas emissions by 60 per cent by 2050 but are yet to put these targets into law.

Australia needs to act because it has the highest per capita greenhouse emissions in the world. Given our affluence and access to the best research and technology, we are in a position to reduce emissions without compromising our quality of life. Australia has an obligation and ability to lead, and South Australia is well placed to lead the nation. I do not believe there was one wind farm in South Australia four years ago; today, with only 7.8 per cent of Australia's population, our state has 51 per cent of the nation's wind turbine capacity—more wind power than all the other states and territories combined.

This state now has more than 45 per cent of the nation's grid-connected solar power. The government is turning Adelaide's main cultural boulevards green, with four iconic institutions on North Terrace—the South Australian Museum, the State Library, the Art Gallery and Parliament House—all having solar panels funded by this government. The installation of $1 million worth of solar panels at Adelaide's new airport terminal will also be funded by this government. Other state government initiatives include:

- a program to put solar panels on 250 public schools across the state;
- the Three Million Trees Program, which is creating a series of urban forests across metropolitan Adelaide;
- the extension of the subsidy for the use of solar hot water systems in houses;
- the expansion of geothermal, or hot rock, exploration with more than 65 licences having been issued in South Australia;
- the election commitment to create a River Murray forest through the revegetation of vast tracks of South Australia's rural areas;
- the government giving preference to leasing new office space in buildings that have a five-star energy rating (and we were there witnessing that this morning);
- mandating five-star energy ratings for all new homes to help meet the strategic plan target of increasing energy efficiency of dwellings by 10 per cent within 10 years;
- the first Australian trial of mini wind turbines on city buildings, to begin by the end of this year (and I hope to have one on the roof of the State Administration building);
- the establishment of the Chair of Climate Change at the University of Adelaide; and
- the appointment of Professor Stephen Schneider, the world-renowned expert on climate science from Stanford University in the United States, as an Adelaide Thinker in Residence.

It is true that many of the issues we confront (such as climate change) require a national response and national action, but rather than passing the buck we, as a state government, have decided to show local leadership. South Australia has put climate change on the agenda at the Council of Australian Governments, and earlier this year the council unanimously adopted a new National Climate Change Plan of Action. We are also playing an active role with other states and territories in the development of a national emissions trading scheme.

Now we have the opportunity to lead again with Australia's first Climate Change in Greenhouse Emissions

Reduction Bill and, as the brand new Minister of Sustainability and Climate Change (which is also, I understand, an international first), I am very proud to be tabling this legislation today. This historic legislation will provide direction for all climate change initiatives undertaken in the state. I hope it will also encourage other states and territories as well as the federal government to follow suit. The proposed legislation seeks to:

- give legislative effect to the 60 per cent reduction target of greenhouse emissions and to increase renewable electricity in the state to 20 per cent;
- set interim emissions targets;
- establish a voluntary carbon emissions offset program; and
- establish the Premier's Climate Change Council, which will provide independent advice on climate change issues as they affect business and the wider community.

In the first four years of operation, the legislation will not compel business or community members to any particular action to reduce greenhouse emissions. The legislation commits the government to work with business and the community in developing plans, policy initiatives and interim targets to put the state on track to reach the 60 per cent greenhouse emissions target set by law. The state's greenhouse strategy, which is called Tackling Climate Change, will also guide the implementation of the legislation. After considerable input from a wide range of South Australians, the strategy will be released later this year.

The Climate Change and Greenhouse Emissions Reduction Bill 2006 will be reviewed after four years to measure its progress and to give the government the option to consider minimum performance standards to reach the target. The government's preference is not to compel business and the wider community to specific actions. Instead, we want to work together with them in a positive and proactive way.

The government acknowledges that it cannot 'go it alone' in achieving the target. It is of utmost importance that everyone engages in the process. Consistent with this, we are releasing the draft bill for public consultation for a period of three months before introducing it into parliament. For some people, the bill will not go far enough; for others it will go too far. It will no doubt generate controversy and passionate debate, which is something I welcome, because I believe there is one point on which we should all agree, that is, that doing nothing on climate change is neither a reasonable nor responsible option in 2006. We will betray our children and grandchildren if we do not take action.

Although the year 2050 seems a long way away from today, and some of us here in this chamber may not be alive then—or even in office—our children and our grandchildren will be, and it is to them that we dedicate this legislation. We all have a duty of care for future generations of South Australians and, indeed, to the world. In the meantime, we must work towards the renewable energy target of 20 per cent as a stepping stone to achieving our long-term target. When we announced voluntarily targets of 15 per cent, people said that we did not have a snowball's chance in hell of reaching it—and we are going to smash that target ahead of time. When it comes to the environment, the state government wants South Australia to continue to be an exemplar to the rest of the country and also to the world. To this end, I invite the parliament and the people of South Australia to provide their ideas and views on this draft bill so that we can create legislation that is bold, balanced and good for both our state and our planet.

GOVERNMENT REFORM COMMISSION

The Hon. J.W. WEATHERILL (Minister Assisting the Premier in Cabinet Business and Public Sector Management): I seek leave to make a ministerial statement.

Leave granted.

The Hon. J.W. WEATHERILL: Today I am pleased to report to the house that the government's program for public sector reform will enter a new phase with the appointment of the Government Reform Commission. This will result in the largest overhaul of public services in a generation. We will be taking this important step because the public sector is critical to the wellbeing and future prosperity of every South Australian. We are taking this step because, whilst our state is performing strongly against the key targets in South Australia's Strategic Plan, we know that reaching more of those targets and sustaining high performance depends on us having the most efficient and effective Public Service we can.

The Government Reform Commission will operate for 18 months, during which it will advise on:

- How we can make certain the public sector has the customer at its centre, and how it is capable of continuously changing to meet the changing needs and circumstances of South Australians.
- How we can make sure the public sector enables all South Australians, regardless of situation, to access the services they need.
- Initiatives to improve efficiency, streamline services and cut regulations and compliance costs.
- A more modern legislative framework for public sector employment issues through a review of the Public Sector Management Act.
- Achieving greater flexibility and mobility of people and functions across the public sector so that we can have people working in the areas where they are needed most.
- How to lift public sector performance and improve accountability.

The commission, which will be supported by a small office within the Department of the Premier and Cabinet from existing resources, will be headed by the Hon. Wayne Goss, former premier of Queensland. He is presently the chairman of Deloitte Touche Tohmatsu. Mr Goss has a distinguished record in the area of government reform and improving the ways in which government interacts with business.

The commission will also include Mr Nick Rowley, who was a senior policy adviser to Prime Minister Tony Blair and NSW premier Bob Carr, and is currently head of carbon trading at the Ecos Corporation. Finally, the Chief Executive of the Department of the Premier and Cabinet, Warren McCann, and the Chief Executive of the Department for Families and Communities, Ms Sue Vardon, will serve as commissioners.

The reform process continues at a great pace and I can also announce today that the government has strengthened provisions around performance agreements for chief executives of government agencies. As a result, each chief executive will have a clear performance agreement mutually agreed between the chief executive, ministers and the Premier. The improved performance agreements commit chief executives to clear responsibilities under South Australia's Strategic Plan as well as their standard portfolio responsibilities. Executive performance will be monitored against the agreement on a 12-month cycle. A mid-term review will assess executives' performance and lay out what needs to be done in the coming period. At the end of 12

months, a full appraisal of performance will be made, which will involve chief executives themselves in a frank but fair discussion with their ministers, and will result in written, formal appraisal being given to the chief executive.

This government is determined that the public of South Australia will have the benefits of a modern, responsive and accountable public sector.

PUBLIC WORKS COMMITTEE

Ms CICCARELLO (Norwood): I bring up the 241st report of the committee entitled 'Bakewell Bridge Replacement Project'.

Report received and ordered to be published.

Ms CICCARELLO: I bring up the 242nd report of the committee entitled 'Torrens Aqueduct Upgrade'.

Report received and ordered to be published.

VISITORS TO PARLIAMENT

The SPEAKER: I draw to the attention of honourable members the presence in the chamber today of students from Thebarton Senior College, who are guests of the member for West Torrens.

QUESTION TIME

PUBLIC SERVICE REVIEW

The Hon. I.F. EVANS (Leader of the Opposition): My question is to the Premier. Why did the government need yet another review into the Public Service when over the past four years there have been at least four reports into the Public Service and currently the Smith review is being undertaken with Treasury? The Fahey report entitled 'Public Sector Responsiveness in the 21st Century' identified a number of fundamental weaknesses and made some 122 recommendations to maximise the contribution to the public sector. The government has also commissioned the Generational Health Review into the health system. There is an Economic Development Board review, there is the Speakman Payze review into the public sector and, of course, the latest Smith report in the Treasury. Today's announcement of the Goss review makes number six.

The Hon. M.D. RANN (Premier): Absolutely, because we have been listening to the business community. That is the difference between us and our opponents. Recently, when the KPMG study came out, which showed how we rated in terms of competitiveness—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Can I just say that I think the public expect more than abuse across the chamber and certainly expect more than arrogance from the members opposite. People in Penola would not be proud of you.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: People in Naracoorte would not be proud of your behaviour here today.

The SPEAKER: Order! When the chair calls order, it should not take two or three times for order to occur. A call to order is not a request: it is a command. Members should desist from interjecting as soon as order is called. This nonsense about my having to really scream my lungs out before any notice is taken of my call to order is getting completely out of hand. The Premier.

The Hon. M.D. RANN: Thank you, sir. So, if I can be listened to with some courtesy by members opposite, because courtesy is important in this chamber, the area in which the Economic Development Board and the business community have asked us to keep going is in terms of competitiveness as a state and in terms of improvements and reforms in the area of Public Service efficiency. Let us look at some of the areas in which that has been done (I know we have some time today), and that is, of course, the State Strategic Plan, which is all about shifting the focus onto customer service, just as, of course, we have been trying to shift the focus (even though I know that some people in the judiciary seem to resent it) onto the victims of crime rather than the criminals.

But you have to keep going at it, and we have had changes. We have seen the first legislation, I understand, in the commonwealth of nations (certainly under the Westminster tradition, I am told) to require dual accountability by senior public servants to both their minister, in terms of their portfolio area, and also the Premier, in terms of their compliance with the State Strategic Plan. As to the sort of work that is being done in social inclusion, the social inclusion initiative was all about making sure that the public sector and the community sector had a much sharper focus in service delivery. In the area of homelessness, this morning I met with my colleague the minister and with Rosanne Haggerty, the Thinker in Residence. So, in a whole range of ways we have been making significant changes to the way the Public Service operates to make it more accountable, and members will recall the legislation introduced into this parliament.

But, rather that resting on our laurels or doing what the opposition would like us to do—that is, do nothing, which is what they did for 8½ years—what we have decided to do is to keep going and to see whether we can liberate the talents of the public sector, because there are some fantastic people working in the public sector—for instance, in world-leading work on climate change, in social inclusion and in delivering international universities to Adelaide. They are terrific people. What we want to do is ensure that they are energised and have an even sharper customer focus. So, I will not apologise at all for wanting our Public Service to be better, to be more efficient and also, of course, most importantly, to be what the term itself embraces—to be servants of our public.

STATE STRATEGIC PLAN

Ms FOX (Bright): Will the Premier tell the house about the community consultations that have been occurring on the future of South Australia's State Strategic Plan?

The Hon. M.D. RANN (Premier): I am very pleased at what has happened in terms of an extensive program over the past several months to seek community views on future directions for South Australia's Strategic Plan. This program has seen over 30 meetings around the state involving more than 1 500 community leaders. This unique process was sponsored by government but overseen by a group of non-government advisers drawn from a cross-section of interests. The community engagement process marks the first stage in updating South Australia's Strategic Plan. I wanted to know what South Australians thought was good about the plan, what could be improved and how the community could become more involved in the process. It is not just a plan

setting targets for government: it is a plan for all South Australians, for the opposition, for the federal government in terms of what it does in South Australia and—

Mr Koutsantonis: For the business community.

The Hon. M.D. RANN: —for the business community in terms of exports. There are some areas in exports where the government can play a decisive role, and I particularly mean in terms of education exports. I am really pleased that we have seen a massive increase in the number of overseas students studying here—from about 6 000 in the year 2000 to about 18 000 in 2005.

As members would know, I launched South Australia's Strategic Plan just over two years ago, and I am pleased that other states—not just in this nation but also in other nations—are looking at the plan. Our Strategic Plan arose, of course, from recommendations of the Economic Development Board. It was an attempt to craft a shared vision for our state's future. Where do we want to be, as a state, in 10 years or 20 years, and how can we get there? It is not to set just soft targets that we could easily meet (so that ministers could pat themselves on the back), but to set targets that people believed were unachievable—like our 15 per cent sustainability target. Some of them will fail to reach and some of them will surpass targets, but we will want to see continuous improvement. It is what we want to do in the Public Service, and it is what we want to do with our economy.

As I said, our Strategic Plan, of course, arose from the work of the Economic Development Board. South Australia is well positioned to deal with the opportunities and challenges of the future, and the plan sets out strategic targets for the state as a whole to achieve over the long term. Many of the targets are ambitious. I said at the outset that we might not achieve some of them, even over the 10-year time scale allowed for most, let alone after just two years of those 10 years. There would have been nothing more cynical than to have set the bar low, simply in order to congratulate ourselves.

The Strategic Plan is a bold initiative to help set a course for where we want to be as a state. The plan is for the whole of South Australia and all South Australians, not simply the government. The Strategic Plan update team, helped by people from the Department of the Premier and Cabinet, crisscrossed the state over 10 weeks, convening 30 meetings and involving over 1 500 South Australians in the process. It heard from a broad cross-section of South Australians, including mayors and council members, business people, voluntary service organisations, regional planning bodies, and everyday South Australians.

I pay tribute to members of the update team, particularly the chair, Brenton Wright, and the deputy chairs Peter Blacker (a former member of this parliament who has done a sterling job) and Suzanne Roux. Suzie Roux is, of course, the chair of the Women's Council. I also pay tribute to Jeff Tryens, who has spent the past year in Adelaide working tirelessly in support of greater community engagement with South Australia's Strategic Plan. The thoroughness of this consultation owes a great deal to his drive and his ambition to see South Australia's Strategic Plan work.

The clear message from the consultations is that community of all kinds—whether it be local government or business, or non-governmental organisations, or civic-minded individuals—support the SA Strategic Plan and want to have a say in its future evolution. All of the suggestions and recommendations coming from the consultations are available on the SA Strategic Plan website for anyone in the state to review. The update team's deliberations are open to the public, and its recommendations will be reviewed and considered by the community congress on 8 July, and a preliminary report will be issued soon.

An independent report into how the state is faring against the various targets in South Australia's Strategic Plan will be released on Friday. It is called 'South Australia's Strategic Plan Progress Report 2006'. This report fulfils the commitment I made when the plan was released, to report on progress towards achieving the targets every two years. The process has been carried out independent of government. Every part of the consultation process has been transparent and every recommendation, suggestion and idea is open to public scrutiny, no matter from whom or how controversial.

Real community engagement, the kind that is meant to guide the SA Strategic Plan, is about creating a different kind of relationship between the state government and the state's many communities. We must face opportunities and challenges together. To move forward, the government and the community, together with business, must work together in solving a problem or developing a new policy.

When South Australia's Strategic Plan was released, I called it a 'goad to action'. Much has been accomplished in regard to achieving the targets since then, but much work remains to be done. Making South Australia the kind of state envisioned in the SA Strategic Plan will require regular, impartial assessments of where we are, and it will require a commitment on the part of the state government, the opposition, business and community leaders, to work together in achieving the targets.

GOVERNMENT REFORM COMMISSION

The Hon. I.F. EVANS (Leader of the Opposition): Will the Premier advise the house why South Australians should pay for a sixth review of the Public Service through the Government Reform Commission when taxpayers have already funded the $1 million per annum Public Sector Reform Unit? In April 2004 the Premier charged Mr Rod Payze and Mr Phil Speakman with undertaking a vigorous review of the public sector. The resulting report, which the Premier described as 'the biggest shake-up in years of the leadership of the public sector', proposed some 32 recommendations. In July 2004 the Premier announced the establishment of the $1 million per year Public Sector Reform Unit to drive the implementation of the reforms.

The Hon. J.W. WEATHERILL (Minister Assisting the Premier in Cabinet Business and Public Sector Reform): Members opposite are out of touch with the fact that this initiative has been welcomed broadly by the community. It has been welcomed by Business SA, which says:

> The establishment of a new Government Reform Commission has been applauded by the state business organisation, Business SA.

It goes further:

> The new commission demonstrates the Rann government's commitment to public sector reform, which has long been a priority for the business community.

That was stated by its Chief Executive Officer, Peter Vaughan. The PSA cautiously welcomes the inquiry and says:

> The PSA continually reinforced to the state government the importance of creating a more flexible public sector to address issues of recruitment and retention.

The Local Government Association welcomes and supports this review. The house needs to understand that this is just the

next phase in what has already been a dramatic level of public sector reform in this state. It is taking it to an entirely new level.

The former premier of Queensland, Wayne Goss, is an incredibly well respected national figure. Not only is he chair of Deloittes and carries enormous respect in the business community, but also he earned many of his stripes in public sector reform in taking a moribund public sector, which had had to endure 32 years of National Party rule under Sir Joh Bjelke-Petersen, from something that could be described as a 19th century proposition kicking and screaming into the 20th century.

Ms Chapman interjecting:

The Hon. J.W. WEATHERILL: CEOs in those days did not have to go through a recruitment process. They just mysteriously arrived at work one day with some very strange qualifications, I am told. He well understands the process of public sector reform. It demonstrates the degree of commitment by this government to this agenda. Many people in the community welcome it. We just want members opposite to come on board with what has been universally regarded as a very good idea.

FAIR PAY COMMISSION

Ms SIMMONS (Morialta): Will the Minister for Industrial Relations advise the house how the state government proposes to respond to the decision by the Howard government's Fair Pay Commission to delay setting a minimum standard of wages for employees until later this year?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): I thank the honourable member for her question. In December 2005 the national wage case was deferred for the Australian Fair Pay Commission to decide the matter. The Fair Pay Commission previously noted that it does not intend to make a decision on the matter until some time during spring this year. This decision effectively freezes the wages of nearly two million Australian workers. Thousands of South Australians will have their wages frozen for anywhere from 86 to 177 days if the Howard government's spring deadline is met. Traditionally, the national wage-setting principles under the Australian Industrial Relations Commission have led to wage increases being awarded every 12 months. That meant that there was continuity in wage increases to lowly paid workers on a yearly basis.

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: Listen! The Fair Pay Commission's move to delay a decision for months breaks the tradition of annual wage increases for Australian employees. This is an unacceptable outcome for the many South Australians who now find themselves forced under the federal industrial relations system as a result of the Howard government's so-called WorkChoices legislation. I am further concerned that there appears to be no legislative guarantee that the Australian Fair Pay Commission has to hand down a decision, even by the spring of this year, so any decision may occur even later than that date. I note that the federal government has even sought to intervene in the local state wage case before the South Australian Industrial Relations Commission. The state government has argued against this, and the state Industrial Relations Commission has rejected the Howard government's arguments.

The Howard government has not frozen the price of petrol, groceries, electricity or gas. It has not frozen the cost of rents and mortgages. The cost of living continues to rise, and so should minimum wages. I will be making a full submission to the Fair Pay Commission for an appropriate wage increase for employees under the federal system. However, I advise the house that, in the mean time, I have seen the need to write to the head of the Australian Fair Pay Commission to seek an urgent interim decision in relation to the minimum wage for these employees. I have also sought an urgent meeting with the chairman of the commission, Professor Harper. I propose that an interim increase to the federal minimum wage should be made in line with state minimum wage increases. This interim decision should be effective from 7 June 2006, the date when the Australian Industrial Relations Commission awarded the last pay increase. Just like the removal of unfair dismissal provisions, the Howard government's so-called Fair Pay Commission's decision to delay providing workers with a pay increase is another example of the injustices arising out of the extremities of WorkChoices.

PUBLIC SECTOR EMPLOYMENT

The Hon. I.F. EVANS (Leader of the Opposition): Will the Premier guarantee that there will no cuts to services or public sector numbers as a result of the Goss review?

The Hon. M.D. RANN (Premier): It is not part of Mr Goss's review, or his terms of reference at all, to recommend cuts to public sector numbers. He is asked to recommend ways of improving services.

Members interjecting:

The SPEAKER: Order!

HEALTH SYSTEM

Mr O'BRIEN (Napier): Can the Minister for Health give the house examples of patients who have had a recent positive experience in our public health system?

Members interjecting:

The SPEAKER: Order!

The Hon. J.D. HILL (Minister for Health): I like the way in which the opposition continues to knock the public health system of South Australia; the fine hospital system we have in this state. They knock the doctors, they knock the nurses, and they knock the allied health workers who run this system. Every year in South Australia we have over 2.5 million individuals contact our public health system, and from that vast number of people—that vast number of contacts—there are always some who have complaints. Often we hear about those negative complaints in the media, fanned by desperate opposition spokespersons trying to get a headline for themselves. What we do not get is balance, so one of the important jobs that I have as health minister is to provide balance. The vast majority of public patients that we have in South Australia have a very positive experience of our health system, and, on occasion, they write to me to tell me about their experiences. I am very pleased to be able to share those experiences with the house.

Recently, I received a letter from a woman who lives in Cairns in Queensland about the treatment of her South Australian mother at the Flinders Medical Centre. In her letter, the lady from Cairns wrote:

> I am most anxious to convey to you. . . how very comforting it is to know the outstanding calibre of the health service provided to the fortunate residents of South Australia.

I do not believe that my mother could have received a higher level of commitment to her personal, individual care, treatment and recovery than that provided by the Flinders Medical Centre and they are to be commended.

I am happy to commend them. My attention was also drawn to a letter from a woman at Elizabeth Downs who had had elective surgery at the Royal Adelaide Hospital. In her letter to the Premier she said:

I would like to thank the Labor Party for their recent help with the public health system. . . The RAH is a wonderful place for me to recover, all staff were wonderful and I am sure aided in my speedy recovery.

I also received a letter from a man in Encounter Bay who was treated at Flinders for cardiac problems. He wrote:

After reading so many negative press reports about public hospitals, I feel compelled to tell about my recent experience . . . Never during my five days stay in hospital had I any reason to complain about anything or anybody. May I mention that I am a pensioner without any private medical cover. My thanks goes to all the nursing staff who took care of me and treated me like a king.

Another letter I have received is from a mother and father in Darwin who were medivaced to the Women's and Children's Hospital for the birth of their daughter, who was 16 weeks premature and had a number of complications. Their letter read:

The wonderful work of the doctors and nurses is a testament to the leaps and bounds our daughter made day after day. There are not enough words to thank the doctors and nurses for their high degree of care my wife and child received at the WCH—only to recognise them in this letter and tell everyone about it.

Mr Speaker, there are many more letters like this, and over the months and years to come I will be very pleased to share some of them with this house.

EMPLOYEE ADVOCATE UNIT

The Hon. I.F. EVANS (Leader of the Opposition): Can the Minister for Industrial Relations confirm that, contrary to the state government's 'no privatisations' decree, WorkCover has made a decision to privatise and outsource the Employee Advocate Unit, currently located within the WorkCover Corporation, to SA Unions?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): As the Leader of the Opposition would know, the WorkCover board is an independent board and it makes its decisions accordingly.

The Hon. I.F. EVANS: My question is again to the Minister for Industrial Relations. When was the minister first advised of the intention of WorkCover to give contracts, or grants, replacing WorkCover's Employee Advocate Unit to SA Unions, and can he assure the house that a competitive tender process was, and will be, undertaken prior to any contract being given to SA Unions?

The Hon. M.J. WRIGHT: I will need to check in respect of the first matter. Obviously, I meet with the chair and also with the chief executive officer on a regular basis—normally once a month or on an 'as needs' basis. I would need to check whether I was, in fact, advised of that type of detail—I am not saying that I was not, but I would like to check. To the best of my recollection, the role of the Employee Advocate Unit was certainly discussed, either in the last or a previous meeting, but I would have to check as to how much detail was gone into in regard to SA Unions.

I would also need to check with regard to whether there was a competitive tender, and I will do so with the chairman of the board.

Mr WILLIAMS (MacKillop): My question is also to the Minister for Industrial Relations. Has the Public Service Association, acting on behalf of Public Service members involved, written a letter of protest to WorkCover regarding the Employee Advocate Unit making it clear that, in their view, this proposal is a privatisation of a public service—which is contrary to the Premier's 'no privatisations' decree—and has this been discussed with the minister?

The Hon. M.J. WRIGHT: To the best of my memory, the PSA has written to, I think, the board with a copy to me. However, I am not sure; it may, in fact, have written to me and sent a copy to the board. I would need to check that, but I suspect the tenor of the answer is generally the same. Is it contrary to the Premier's privatisation and outsourcing decree? No, I do not believe so.

The SPEAKER: The member for MacKillop.

WORKCOVER

Mr WILLIAMS (MacKillop): Thank you, Mr Speaker.

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: My question is again to the Minister for Industrial Relations.

An honourable member interjecting:

Mr WILLIAMS: He has already demonstrated a hearing problem, but—

The SPEAKER: Order!

The Hon. M.J. Wright: If they didn't talk on that side, I could hear.

The SPEAKER: Order!

Mr WILLIAMS: My question is again to the Minister for Industrial Relations. Why is WorkCover giving people who have been on WorkCover for three years only days to decide on a payout offer? Mr C, who was born with a severe hearing impairment, has been on WorkCover for three years following a workplace accident. Mr C was contacted on Friday 16 June this year and offered a redemption payout, and he was given just four working days to accept the offer. Mr C has told the opposition that he could not pick up the paperwork until the following Tuesday and the documents, when he picked them up, directed him to get a doctor's advice and to sign off on that advice; to get legal advice and to sign off on that advice; and to get financial advice and to sign off on that advice. Mr C's doctor advised that Mr C should not sign off without specialist advice. The opposition has been advised that WorkCover has decided to offer a new round of redemption pay-outs because WorkCover has failed to meet its strategic targets.

The Hon. M.J. WRIGHT (Minister for Industrial Relations): If the shadow minister has the courtesy (and I hope he would have the courtesy) to provide me with those details, I will have that checked. But, isn't it ironic: here we have the former government which butchered WorkCover for two terms of government and which left us in the mess which the current WorkCover board is recovering from—

Mr Williams: On a point of order, sir, this sounds dangerously like debate to me.

The SPEAKER: Order! I think the minister is now debating the question. The member for MacKillop.

Mr WILLIAMS: I was hoping the minister might have answered the previous question. However, I have another question for the Minister for Industrial Relations.

The Hon. M.J. Wright interjecting:

Mr WILLIAMS: You weren't going anywhere near the answer. I will give you another opportunity. Does the minister support the current practice by WorkCover, whereby claimants have been forced to make decisions as to whether they accept or decline a potentially life-changing payout offer within a few hours and, if not, what actions will the minister take to ensure such a practice does not continue? The opposition has been approached by an injured worker who has a back problem due to a work-related accident that occurred in 2004. The worker has since been attending rehabilitation. He had not been given any indication of a payout figure since the accident. The worker advised us that earlier this month he received a call on his mobile phone at approximately 10.10 a.m. from a WorkCover representative. The representative informed the worker that he had been offered a payout and had until the end of that day to decide whether or not he would accept the offer.

Understandably, the worker was upset when he contacted the opposition, and he could not believe that he had been given only a couple of hours to make a decision. In the short period available, the worker sought and received advice that the offer was grossly inadequate and subsequently refused the offer. The worker also expressed his disgust that he had no opportunity to negotiate a fairer offer with WorkCover.

The Hon. M.J. WRIGHT: What I would like to do is check the facts, because we on this side of the house well know that when allegations are—

Members interjecting:

The SPEAKER: Order!

The Hon. M.J. WRIGHT: —thrown at the government, whether it be in this portfolio or any other, we need to check the facts. What I can also say is that it is well known that the opposition has never been a friend of the worker—that is a well known and well established fact. Of course, another thing I would like to share with the house is that, on checking those facts, we would always want fairness to be applied and that we would always work towards fairness. The other thing I can say is that we are fortunate that we have the best board WorkCover has ever had.

AQUACULTURE INDUSTRY

Mr BIGNELL (Mawson): My question is directed to the Minister for Employment, Training and Further Education—a very good minister, too. What steps has the government taken to address the South Australian aquaculture industry's need for trained occupational divers?

The Hon. P. CAICA (Minister for Employment, Training and Further Education): I acknowledge the honourable member's keen interest in aquaculture. I am pleased to advise the house that the state government is responding to the immediate needs of the expanding South Australian aquaculture industry through a joint project with the Australian Fisheries Academy.

Mr Venning interjecting:

The Hon. P. CAICA: It is important information, Ivan, and I am sure you will be interested. You eat a lot of fish—mostly crayfish, I know, but you would be interested in this. Through the state government's very successful South Australia Works program, $60 000 is being made available for 12 occupational divers to be trained to meet the immediate needs of the aquaculture industry. This funding will be augmented by an industry contribution of approximately $39 000. The joint program is being managed by the Australian Fisheries Academy, and training is anticipated to occur at Port Lincoln in August this year.

The aquaculture industry—and, in particular, sea-based aquaculture—is a major growth industry which has experienced rapid expansion in South Australia. The aquaculture industry target for growth is to achieve $1 billion in gross revenue by 2010 from the farmgate sales of about $650 million. The industry currently employs almost 3 000 people, and this is targeted to increase to 6 000 by 2010.

Trained divers are a crucial part of the work force required by the industry, which is currently experiencing a shortfall of trained occupational divers. The training participants have been nominated by the industry and are all from the sea-cage aquaculture area, which comprises the tuna farming industry, the abalone industry, and the kingfish and mulloway sea-based aquaculture industry. Training will include a six-week course with accredited units from the Seafood Industry Training Package, including:

- working effectively as a diver in the seafood industry, as you would expect;
- performing diving operations using surface supplied breathing apparatus and contained underwater breathing apparatus;
- undertaking emergency procedures in diving operations using surface breathing apparatus and diving using underwater breathing apparatus;
- performing compression chamber diving operations; and
- performing underwater work in the aquaculture sector.

A very welcome part of the industry's contribution involves the Australian Fisheries Academy, having negotiated year-round access to industry sea cages, so that participants can complete the practical tasks within the program, thereby ensuring the training is relevant to industry expectations. This is an important point, because it is yet another example of the successful outcomes that can be achieved for our state by a process of communication and collaboration between government and industry.

IMMIGRATION SA

Mr HANNA (Mitchell): My question is directed to the Minister for Multicultural Affairs. How is Immigration SA directly or indirectly helping foreign workers to get jobs in rural industries in regional South Australia, for example, in Murray Bridge or Naracoorte?

The Hon. P.F. CONLON (Minister for Transport): The question should be addressed to the Treasurer. I will take the question on notice and get an answer from the acting Treasurer.

SMALL COMMUNITY PROJECTS

Mr PICCOLO (Light): Can the Minister for Families and Communities inform the house about what the state government—

Members interjecting:

The SPEAKER: Order!

Mr PICCOLO: —is doing to support small community projects?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank the honourable member for his

question. I am delighted to advise the house that the Community Benefit SA Board has just approved $1.94 million for 217 one-off projects to help small community groups and other community organisations with projects that support local communities. In Gawler, for example, the home town of the member for Light, the Gawler Neighbourhood House has received $2 300 to enable a mental health literacy course to be taught to 10 or so volunteers, which will increase their capacity to help more than 20 local people with mental health issues each week. This is one of just 217 projects being funded in this round, and I am pleased to say that about 40 per cent went to rural and remote areas, which should make the member for Stuart feel comfortable and, indeed, the member for Giles.

I advise that 38 projects were for Aboriginal communities; 59 projects were for multicultural communities; 47 projects were for all families and children; and 75 projects were for people with disabilities. In addition, there were projects which assisted older people, women's groups, men's groups, refugees, homeless, people with mental issues and others. Community Benefit SA is a great opportunity for giving organisations the extra funds they need which may not fit within some of the existing main funding streams. I was also thrilled to learn that the Community Benefit Board gave $5 000 to Cafe Enfield Child Centre to establish a community garden, which will engage 150 disadvantaged children and their families; and $3 350 to the Motor Neurone Disease Association to fund computer accessories and webcams as part of an equipment loan facility for 24 rural South Australians with profound communication disabilities arising from this disease.

Community Benefit SA also offers an excellent opportunity to embed new skills. I have mentioned the support of the Gawler Neighbourhood House but, equally, I am delighted to report that the Riverland Mission Australia received $15 000 to conduct a 20 week personal development program for 20 young people, predominantly indigenous, affected by drugs and alcohol who were at risk of truancy and offending. Community Benefit SA is a great complement to the major funding programs and it recognises this government's strong commitment to working in partnership with the community sector.

AUSTRALIAN WORKPLACE AGREEMENTS

Mr WILLIAMS (MacKillop): Does the Premier support federal Labor's policy to abolish Australian workplace agreements?

The Hon. M.D. RANN (Premier): Can I just say that I am very supportive of the federal Labor Party's position in fighting what I believe is the most iniquitous legislation that this country has seen in terms of workplace legislation, and that is why—in case you had not noticed—we have actually lodged an appeal in the High Court of Australia—

Mr WILLIAMS: On a point of order, Mr Speaker.

The SPEAKER: There is a point of order. The member for MacKillop.

Mr WILLIAMS: The question was specifically about Australian workplace agreements and whether the government supported them.

The SPEAKER: I think the Premier is answering the question.

The Hon. M.D. RANN: Yes, I am answering the question. The fundamental battle at the moment, in terms of industrial relations, is in the High Court of Australia. That is where my focus is because, quite frankly, the reason that we lodged an appeal in the High Court and are using the same legal team that we used to stop your federal government, with your support, imposing a nuclear waste dump on this state—

An honourable member interjecting:

The Hon. M.D. RANN: And we won. You did not think we would win.

Mr WILLIAMS: On a point of order, Mr Speaker, I am still waiting for the Premier to get to the substance of the question.

The SPEAKER: Order! I know what the member for MacKillop is saying, and I think that the Premier is now getting into debate.

The Hon. M.D. RANN: Sir, it is very difficult to get into the substance of questions that do not have substance. I support Kim Beazley, who joins with me and the ACTU in fighting legislation in the High Court of Australia which I believe takes away a fundamental advantage for this state in terms of a much better industrial relations record.

Mr WILLIAMS: I will try again. My question is for the Premier. What assessment has the government undertaken on the impact on the South Australian mining industry of the abolition of Australian workplace agreements?

The Hon. M.D. RANN: I will get an assessment for the opposition on this issue. But can I tell you that, when I meet with people from the mining industry, they stand up in conferences in Melbourne and in Adelaide and say that they have never dealt with a better government when it comes to mining, which is why the Fraser Institute (based in Toronto), which the honourable member clearly has never heard of, has shifted our rating from 30-something in the world to sixth in terms of mining prospectivity. This government will preside over the greatest boom in mining in the history of this state—

Mr WILLIAMS: On a point of order, Mr Speaker—

Members interjecting:

The SPEAKER: Order!

Mr WILLIAMS: —the Premier is not going near the substance of the question.

The SPEAKER: I think it is better if we move on.

TORRENS VALLEY AQUEDUCT

Mr KENYON (Newland): Will the Minister for Administrative Services and Government Enterprises outline what plans are in place to upgrade or replace the ageing Torrens Valley aqueduct?

The Hon. M.J. WRIGHT (Minister for Administrative Services and Government Enterprises): I thank the member for Newland for his question. He has been a big fighter for his local community on this issue. The Torrens Valley aqueduct was originally constructed in the 1870s and comprises approximately 4.5 kilometres of open channels, pipes and tunnels. For well over 100 years, the aqueduct has served residents of the north-eastern suburbs by transferring water from the Torrens Gorge weir to the Hope Valley reservoir.

I am pleased to inform the house that the government has committed to the construction of a pipeline worth approximately $21.5 million to replace the ageing aqueduct system. This will effectively secure the future water supply to over 85 000 households in Adelaide's north-eastern suburbs. The government is also restating its election promise to retain the existing aqueduct land in public ownership for future generations. This project is a win-win for the north-eastern

suburbs. The new pipeline, replacing old open channels, will incorporate a gravity flow system to eliminate the need for a pump station, also resulting in no ongoing electricity consumption or greenhouse gas emissions. The pipeline will be buried below ground, generally following the course of the River Torrens through the linear park.

In deciding on this solution, SA Water undertook extensive work on a range of alternative options, consulted with the local community and considered various economic and environmental factors. Taking all these issues into consideration, it was decided that the best solution was a gravity-fed, below-ground pipeline. This option also delivers on goals of the Waterproofing Adelaide strategy by limiting evaporation and improving the security of water supply. SA Water will continue to communicate with local residents and users of the linear park by advising them of any short-term impacts during the construction. Construction of the new pipeline is expected to take place between 2007 and 2008.

AUSTRALIAN WORKPLACE AGREEMENTS

Mr WILLIAMS (MacKillop): I will try again. My question is again to the Premier. Has the government contacted BHP Billiton about the impact the abolition of Australian workplace agreements would have on the planned expansion at Roxby Downs; if so, what advice did the government receive? The Australian Mines and Minerals Association has warned federal Labor that its policy to abolish Australian workplace agreements would rip $6.6 billion from the mining sector, undermining industry growth. When the AMMA methodology is applied to the South Australian mining industry, it shows the potential loss to the Olympic Dam operation today of up to $230 million per year if Australian workplace agreements are abolished at that site.

The Hon. M.D. RANN (Premier): Can I say that, to the best of my recollection, certainly I do not recall BHP Billiton mentioning this to me on one single occasion.

Mr Williams interjecting:

The Hon. M.D. RANN: You think I should contact them? Okay.

The Hon. M.J. Atkinson: What about England v Portugal?

The Hon. M.D. RANN: England v Portugal? I am getting increasingly confused. I know that is coming up, but I refer back 40 years to the semi-final when Eusebio, for Portugal, scored a penalty against my friend Gordon Banks and, of course, Bobby Charlton scored two goals—

Mrs REDMOND: Point of order, Mr Speaker.

The SPEAKER: Order! There is a point of order.

The Hon. M.D. RANN: —so I am hoping—

The SPEAKER: Order!

The Hon. M.D. RANN: —that that is a portent for what happens later this week.

The SPEAKER: Order! The Premier will take his seat.

Mrs REDMOND: The point of order was relevance. The Premier was engaging in a private conversation with the Attorney-General about football matches and going nowhere near the issue that was asked about.

Members interjecting:

The SPEAKER: Order! The Premier has the call.

The Hon. M.D. RANN: It is fantastic to see the legal skills, the forensic skills, of the honourable member opposite. I answered the question, then answered an interjection I should not have.

Mrs REDMOND: Point of order, Mr Speaker.

The SPEAKER: Yes, I know what the point of order is.

Mrs Redmond interjecting:

The SPEAKER: Order! I have to say that the last bracket of questions from the member for MacKillop has been seeking to canvass issues that are federal in nature. I have allowed them to go ahead, but I do not think that it would be healthy for question time to be taken up with a debate on matters that are outside the jurisdiction of this parliament.

Members interjecting:

The SPEAKER: Order! The member for Torrens.

COMMUNITY WASTE WATER MANAGEMENT SCHEME

Mrs GERAGHTY (Torrens): Will the Minister for State/Local Government Relations inform the house how the government is supporting local councils in the management of their waste water?

The Hon. J.M. RANKINE (Minister for State/Local Government Relations): I thank the member for her question because this is an important issue, particularly to those living in areas that are reliant on the septic tank effluent disposal scheme, now known as the community waste water management scheme. It is an important scheme that provides effective waste water treatment services in regional South Australia and the outer metropolitan areas of Adelaide.

The community waste water management scheme is available to communities where the incapacity of existing septic tank systems to adequately deal with waste water presents a risk to public health, the environment, and the economic and community development of the region. The scheme is a cost-effective alternative to deep drainage sewerage systems operated by SA Water across most of the metropolitan area and in major regional centres.

More than 40 of the state's 68 councils provide community waste water management systems to their community. Councils are able to apply for grants through the Local Government Association for funding for waste water treatment projects. At a recent meeting of the Minister's Local Government Forum, I was pleased to be able to announce that the state government will allocate $3.206 million to the Local Government Association in 2006-07 for the community waste water management scheme. This recent injection of state funds for the community waste water management scheme extends a two-year agreement between the state government and the Local Government Association and is important to further the Local Government Association's bid for commonwealth funding for community waste water management of up to $30 million through the National Water Commission. The bid was lodged on 16 June this year.

If this submission is successful—and here I have to pay tribute to the work of John Rich, the President of the LGA, and his team, and certainly the former minister, the member for Mount Gambier—it will result in a very substantial increase in the community waste water management scheme's funding for South Australia that will be utilised to upgrade existing schemes and install new schemes where this work is most needed.

TORRENS VALLEY AQUEDUCT

Mr HAMILTON-SMITH (Waite): My question is to the Minister for Administrative Services. In his answer to an

earlier question, why did he fail to mention that SA Water is borrowing the $21.5 million to fund the Torrens aqueduct upgrade, while government is demanding in excess of $165 million worth of dividends per annum from the corporation?

The government announced the $21.5 million investment last weekend, and reannounced it in the house earlier in question time, but failed to mention that debt was to be used to fund the work. In his annual report to parliament, the Auditor-General noted that dividends to government had been increased substantially from SA Water since 2002—to concerning levels. He said:

> Net cash was not sufficient to enable the payment of the level of dividend and return of capital required by the Department of Treasury and Finance. As a result, the net borrowings of the corporation have increased by $131.9 million over the last five years. Essentially, the corporation is borrowing to fund part of its dividend payments to government.

Members interjecting:

The SPEAKER: Order! The explanation sufficiently explains the question. The Minister for Administrative Services.

The Hon. M.J. WRIGHT (Minister for Administrative Services and Government Enterprises): This is probably lost on the member, but the nature of how I and others answer questions is that we answer them as we best see fit, and it seems to be a stupid question. To the best of my recollection, companies sometimes have debt, but pay dividends. I would have thought that the honourable member, particularly with his qualifications, would understand that.

POLISH COMMUNITY CELEBRATIONS

Ms PORTOLESI (Hartley): My question is to the Minister for Multicultural Affairs—and how handsome he is looking today. Will the minister inform the house how the 150th anniversary of Polish settlement is being marked in South Australia?

The Hon. M.J. ATKINSON (Minister for Multicultural Affairs): South Australia is fortunate to have been the destination of many hundreds of thousands of migrants since it was first established in 1836, including the Premier and the Minister for Transport. It has often been said that the history of South Australia is a history of the settlement and continuing contribution of migrants and their descendants from around the world. This year marks the 150th anniversary of the first major settlement of migrants from Poland. South Australia is fortunate that Polish people chose to come to settle, work and make their contributions here in South Australia. The government of South Australia knows of the important contribution Polish migrants and their descendants have made to our state, and to mark the 150th anniversary of settlement the government hosted a gala reception for the Polish community at the Adelaide Convention Centre on 12 February.

Members will be delighted to hear that on that occasion the Premier was awarded the Commander's Cross of the Order of Merit of the Republic of Poland by the ambassador—

The Hon. G.M. Gunn: Is that the one Peter Lewis got?

The Hon. M.J. ATKINSON: In short, no. It was awarded by the Polish Ambassador, Mr Jerzy Wieclaw. This is a great honour, not only for the Premier but also for our state.

The early Polish settlers in South Australia, whose heritage is preserved in the Clare Valley and whose place in our history is remembered appropriately in place names such as Polish Hill River, could not have foreseen the extent of the Polish contribution to South Australia. The Polish community has progressed and prospered in South Australia and it has maintained the language, culture and faith of Poland, which all Poles hold dear because they have had the freedom in South Australia to do so—a freedom that comes as part and parcel of living in South Australia. Freedom is why Poles came to South Australia in the first place, both the early Polish settlers who began this 150-year odyssey and those who came in the 1940s, the 1950s and again after marshall law was declared in Poland against the Solidarity trade union movement in the 1980s.

Polish migrants came to South Australia to find the freedom that had long been denied them by their imperial neighbours who had carved up the Polish motherland for themselves and treated the Polish people as serfs and chattels in their own land. In 1940 Lavrenti Beria issued an order that Polish officers and intelligentsia were to be slaughtered at Katyn Forest near Smolensk, and thousands of Poles were murdered and buried there. Some Communist propagandists have claimed that this was perpetrated by the German Army. It was not, and I was surprised when the member for Waite told the house that historians are not fully agreed on the origins of the Katyn Forest massacre. Perhaps by 'historians' he meant David Irving, the authors of *The Protocols of the Elders of Zion* or Helen Demidenko.

Polish community clubs and associations have been life lines for the Polish migrant communities through the years, providing centres for social and cultural activities that bring people together and keep members of the community in touch. We refer to clubs where we enjoy hospitality, such as the Millennium Club at Enfield, Dom Copernicus on Grand Junction Road, and the Dom Polski Centre. They can claim a proud record of service to the Polish community and can be credited with keeping it together.

To mark the 150th anniversary of settlement, the Polish community is organising a range of activities throughout this year. In addition to the gala reception hosted by the Premier in February, the government through the South Australia Multicultural and Ethnic Affairs Commission will be supporting other activities, including a major Polish community achievement dinner being organised by the 150th anniversary of Polish settlement committee. On behalf of the government, I have been pleased to play a role in supporting the Polish community in these efforts.

FOSTER CARE

Ms CHAPMAN (Deputy Leader of the Opposition): My question is directed to the Minister for Families and Communities. Why are foster carers not forewarned prior to the placement of a child with them that the child has a history of violence and of property damage? I have been provided with a copy of a letter from a foster carer, addressed to the minister, which states that she met with a case worker prior to agreeing to take a child and was told the following:

> The child was sweet, delightful, although she had a developmental delay, she was very streetwise but was systemised.

Nothing was said about how violent she could become and how she had destroyed property in the past. The child's previous foster carer had also been instructed by the case worker to 'not tell the new carer how violent the child can be, as we would not be able to find her a placement otherwise'.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): When I came into this portfolio, I managed to have an arrangement with the former shadow minister for families and communities that, if she had issues of individual concern, she would meet with me on a regular basis and we would discuss them, because, ordinarily, we have found certain things when one side of the story was presented. Indeed, when the member who just asked the question came into the house yesterday, she recounted a set of facts about a very similar story. She sought to suggest that Family SA workers had not communicated to the carer of a child who had just been born to an addicted parent, and who had to be placed with a foster family on an emergency basis. She suggested that we did three things: we did not tell the relevant foster carer that this child had these difficulties and would have special needs and special treatments including the administering of morphine; she said that we did not provide a special loading; and she said that we did not provide any additional support for this family. All three of those things were wrong.

Members interjecting:

The SPEAKER: Order!

The Hon. J.W. WEATHERILL: While it is disturbing that the honourable member would come into this place with one side of the story and seek to make it a public event in this way, thereby denigrating those who work in this extraordinarily difficult area, I do not blame her for coming in with one side of the story, because that is all she could possibly have. However, I ask her to acknowledge that it is likely that she will have only one side of the story and, by coming in here and trotting out the personal circumstances of families, all she does is denigrate decent public servants and make more difficult what is an extraordinarily difficult task of caring for some of our most vulnerable children. I will look at the individual circumstances of this case and get back to the honourable member, but a much more profitable and meaningful relationship would be if she discussed these matters with me privately.

KATYN FOREST MASSACRE

Mr HAMILTON-SMITH (Waite): I seek leave to make a personal explanation.

Leave granted.

Mr HAMILTON-SMITH: A moment ago the Attorney-General incorrectly misrepresented what he recollects to be an interjection that was made in the house about a year ago about the Katyn Forest Massacre in Poland. My recollection of the interjection was along the lines—

The Hon. M.J. Atkinson: Go and check it.

Mr HAMILTON-SMITH: I will check it. The interjection was along the lines that historians had not always agreed on that. In fact, the Attorney answered the very point in a statement he made a few moments ago when he said that the Soviets perpetrated the lie that the massacre had been carried out by the Germans when, after the collapse of the Soviet regime, it was clearly established that it was the Russians.

My recollection of the interjection—although it has been twisted and misrepresented by the Attorney—is that I said words to the effect, 'Historians have not always agreed', which is correct. It is now established that the Russians committed the massacre. He has used and twisted an interjection to misrepresent me, to curry favour with the Polish community, based on a falsehood.

The SPEAKER: Order, the member for Waite! Leave is withdrawn.

MURRAY RIVER

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

Leave granted.

The Hon. K.A. MAYWALD: Dry autumn conditions across the Murray-Darling Basin mean that River Murray water allocations this water year will commence with restrictions to 80 per cent at the start of the 2006-07 water year, on 1 July. While South Australia received some good rains during May, autumn conditions throughout the Murray-Darling Basin have been among the driest on record. The total Murray-Darling Basin Commission storage volume at the end of May 2006 was 3 381 gigalitres, or 38 per cent of capacity. This is about 570 gigalitres higher than May 2005, but it is still well below the long-term average for this time of year.

The final water allocation level for the 2006-07 water year will be determined by rainfall in the Murray-Darling catchment over the next four months. We will continue to monitor rainfall and catchment storage levels extremely closely over the next few months and, in line with South Australia's Drought Water Allocation Policy, announce updates in the middle of each month. If average or above-average rainfall is received in the Murray-Darling catchment over the next few months and storage conditions improve, water allocations will be increased, as we have done in past years. At this stage of the year it is very difficult to make confident predictions about winter rainfall patterns and, based on advice from the SA Murray-Darling Basin Natural Resources Management Board's River Murray Advisory Committee, a conservative approach is being taken at this stage.

I am pleased to report that River Murray system inflows over spring 2005, and for 2005-06 overall, were the best we have received for five years, after above-average rainfall was received in the upper Murray catchment. This additional flow, although well below longer-term averages, has been tightly managed to ensure the best possible environmental outcomes. Some weir pool levels were deliberately raised to allow limited flooding of backwaters, including the flooding of selected river red gum sites. Barrage releases were also initiated for salinity mitigation and biodiversity maintenance. Approximately 660 gigalitres has been released over the barrages this year—the single largest release since 2000-01—but this represents only about 20 per cent of the long-term median flow through the barrages.

The South Australian government will continue to closely monitor conditions in the Murray-Darling Basin during the coming months and revise water allocations accordingly. We will also continue our efforts through the Murray-Darling Basin Ministerial Council to ensure that the focus on returning environmental water to the river is maintained.

GRIEVANCE DEBATE

CHILDREN IN CARE

Ms CHAPMAN (Deputy Leader of the Opposition): Last week I brought to the attention of the house the plight

of a foster carer who had had a two-month-old baby placed in her care without adequate notice of the requirement for morphine administration. As the minister pointed out today, this was a child who had been born with a heroin addiction and who needed some assistance, and I outlined those details as they had been provided. I wish to place on record the letter from the minister's department, in which it was acknowledged that this carer would be legally liable. The letter, dated 23 June, from Mr Ken Vincent, manager of the department, states:

> I recall being asked if foster parents would be held accountable for any mistake on dosage. While I think it very unlikely a mistake could be made and if one was made the foster parent would be held accountable, there was always the likelihood that a parent may initiate some form of legal action.

It is perfectly clear here that the minister has no idea what is happening in his department. Here is a minister who told us in the house yesterday, in relation to foster carers:

> . . . for those people who are generous enough to open their homes and deal with a child with such difficult needs, we need to do everything we can to support that foster parent.

But the department takes another position. Obviously, the minister is completely ignorant about his own department. The issue today is that a letter has been forwarded to the minister and his department outlining the plight of both the carer and a 13 year old girl about whose whereabouts we have no idea or what provision has been made for her care and safety—and this child has written to the minister outlining her plight. So, we not only have the child plus the carer. The following is the foster carer's comment:

> I never had the support that I needed. . . my experience in foster care has been a nightmare. I became a foster carer to care for children not to be put through all this. At the end of the day my only concern is the child in all this. The last time I spoke to her she was broken hearted, sick, crying and distraught.

That is the reality of what is happening out there in the world. We need foster carers to maintain the commitment and for them to have the support to enable them to provide for the most vulnerable children in our community.

The facts as outlined to me and confirmed by the letter from the girl to the minister and from the carer to the minister are essentially as follows. This child had been placed with the carer without the carer being informed as to the violent history. The carer said:

> On 15th September 2005 [the advocate for the children's village where the child had been placed] rang and asked me if I still wanted to do Foster Care and would I want to take a child in my own home. . . I was told that (child) was sweet, delightful, although she had a developmental delay she was very streetwise. Knew the system well and was systemised. . . NOTHING WAS SAID ABOUT HOW VIOLENT SHE COULD BECOME AND HOW SHE HAD DESTROYED PROPERTY IN THE PAST.

She outlines considerable detail about when they met the child on 28 December. She said:

> They were at my home for no more than 20 minutes. That's all the time we had before (child) came to. . . me on the 30th. . . We were both thrown into the deep end.

This is an appalling situation. She describes how they got on very well but that, in fact, there had been some troubled aggressiveness one evening in November and that subsequently the child had become very upset. There is a whole history of how the carer, off her own bat, took this child to a doctor to get specialist treatment and found out that the child had a serious medical condition which had never been checked before and which had never been diagnosed. This is a serious matter, which I will refer to on another day.

Late in February, the behaviour had worsened and by January this year things had started to come undone and there was a violent incident and the child was removed. There has been communication between the child and the carer since that time. There was a very unpleasant incident which confirmed that this child needs a serious amount of help. The appalling situation arose when the carer contacted the department to get advice from the supervisor and she was hung up on. That is how appalling the treatment was of that carer.

Time expired.

AUSTRALIAN HISTORY

The Hon. M.J. ATKINSON (Attorney-General): I take the opportunity today to canvass a matter that has been brought to me by Senor Joaquin Artarcho, the honorary Spanish Consul in South Australia. Like others schooled in Australia, of the little Australian history taught at the time I was taught that Captain Cook discovered Australia, which is still a view of our history held by most Australians. Of course, the discovery and mapping of what we now know as Australia by Europeans has a long and complicated history. Many indigenous Australians today rightly take issue with the term 'discovery' itself. Nevertheless, it is right to acknowledge the extraordinary achievements of those navigators who braved the unknown and brought the once mythological Great South Land into the global project of European mapmaking.

Although few associate the name Australia with the Spanish, it was the accomplished Portuguese-born navigator, Captain Pedro Fernandez de Quiros, who led a Spanish expedition and bestowed the name Austrialia del Espiritu Santo in May 1606 in the name of King Phillip III of Spain.

Mr Goldsworthy: What does it mean?

The Hon. M.J. ATKINSON: Australia, the Land of the Holy Spirit. Four hundred years ago, the ships sent by King Phillip III arrived in what we know now to be Vanuatu. The 300-crew expedition was commanded by Captain Quiros, who had received the support and blessings of Pope Clement VIII. Quiros presumed this island was, in fact, part of the long sought after mysterious southern land, including what we know now as Australia. In his report to King Phillip III, Quiros described Austrialia del Espiritu Santo with these words:

> The greatness of the land newly discovered. . . is well established. Its length is as much as all Europe and Asia Minor as far as the Caspian and Persia, with all the islands of the Mediterranean and the ocean which it encompasses, including the two islands of England and Ireland. That hidden part is one-fourth of the world, and of such capacity that double the kingdoms and provinces of which your Majesty is at present the Lord could fit into it.

Although his expedition at the time was actually on Espiritu Santo, the largest island of Vanuatu, it is significant to note that Quiros was the first European to imagine Australia as a place for European-based culture to have a new start and proposed to set up a colony to be called the New Jerusalem. On Espiritu Santo, Captain Quiros met the local inhabitants resulting in a meeting of Melanesian and European cultures. I believe that many migrants coming to Australia since Quiros have held this hope of Australia being a place to start over, a place of opportunity and new beginnings, and migrants still today see Australia as the place where they can start a new life.

During his stay on Espiritu Santo, solemn religious services were held. He founded the Knight Order of the Santo Espiritu. He named Santo the capital of New Jerusalem and

scattered the island with names with biblical references, many of which are still in use today. The importance of this event is not lost on the Spanish today; indeed, His Excellency Antonio Cosano Perez, Ambassador of the Kingdom of Spain to Australia, travelled to Vanuatu on the occasion of the fourth centenary of Pedro Fernandez de Quiros' naming of Austrialia del Espiritu Santo.

After his return to Spain, Captain Quiros expected to obtain royal favour and be allowed to return to the islands that had fascinated him. He wanted to settle in Austrialia del Espiritu Santo and create a utopian world—a new world of solidarity and equality. Quiros died in Panama on his second trip to the land he had discovered before he could fulfil his dreams. Although Quiros was unable to return, perhaps the multicultural society we have today is what he dreamed of.

PUBLIC SERVICE REVIEW

Dr McFETRIDGE (Morphett): Today we heard the Minister Assisting the Premier in Cabinet Business and Public Sector Management make a ministerial statement on the appointment of Wayne Goss, and we are now going to have Mr Goss as the head of the Government Reform Commission, which will operate for 18 months looking at the Public Service. Back in April the Premier announced the appointment of former senior commonwealth Treasury official Greg Smith to conduct a review of government expenditure. My message to business, and the taxpayers of South Australia, is to be afraid—be very afraid—because, between these two men, I think we will see a slash and burn budget come down in September. Wayne Goss will obviously be looking very carefully at the Public Service, and I think that Jan McMahon should be very afraid of some of the recommendations that may come out of that. Whether we will see job losses, I do not know, but be afraid; be very afraid.

Greg Smith is the man that the Treasurer has put in charge of looking at government spending and reviewing the budget. Let us just look at a potted history of Dr Smith. He is probably a well qualified man for this job. He is an adjunct professor at the Catholic university in the ACT, but his track record goes back a bit further than that. In 2004 he was involved in a complete review of the financial and economic outlook for the ACT. His track record (looking at tax reform) goes way back to the Hawke and Keating Tax Summit in 1985. It was Dr Greg Smith who was the proponent for the famous option C. Let me just remind the house, and people who may be interested in reading this, of what option C consisted of—and this was Dr Smith's baby. Option C consisted of broadening the tax base by legislating for capital gains tax, a fringe benefits tax, imputation to be introduced and concessional expenditure rebates to be abolished. While the current Liberal government did introduce a goods and services tax, this was a mark 2 goods and services tax, because Dr Smith was the first proponent under Mr Keating. Dr Smith wanted to introduce a goods and services tax at an initial rate of 12.5 per cent.

So, we are going to have some serious issues raised in the next budget and I guarantee that it is not going to be all roses for the taxpayers of South Australia. The members of the public service had better watch out, too. Let us just look at what Dr Smith did in the ACT recently. He slashed the funding for ACT tourism. At last week's Australian Tourism Exchange, senior tourism operators were very concerned about the future of tourism in the ACT. The information I am given here is that Dr Smith has the same proposals in mind for South Australian tourism as were put in place for ACT tourism, namely, it should not be funded by the government; it should be cut to bits. When it is a $3.7 billion business that we are talking about in South Australia, we need to make sure that we are protecting our tourist industry—the experience industry as we are calling it—and not let Dr Smith have his way.

Looking at what the *Green Left Weekly* said last week about the ACT budget after Dr Smith's work:

> On June 7, the ACT Labor government announced the closure of 39 schools (and the loss of 160 teaching jobs), the cutting of another 500 public service jobs and severe cuts to superannuation for the remaining workers, two new taxes, increased ambulance charges—

and other charges. To remind the Public Service of what Dr Smith did in the ACT, he reduced superannuation for ACT government employees from 15 per cent down to 9 per cent. So, look out, Jan. The ACT Australian Education Union response to the budget (from the AEU Budget Circular 2006), after Dr Smith's recommendations was:

> The budget at a glance:
> · 160 teaching positions cut;
> · 85 DET Central Office positions cut;
> · 39 school sites to close;
> · $100 million in staff savings over 4 years;
> · CIT cut of $3.1 million pa by 2008—

That is industry training—

> · secondary teaching loads to rise;
> · massive profit taking by government on back of modest 4% pa wage increase;
> · meagre funding for 'renewal' of system

So, Dr Smith has a few questions to answer on his history. Will he repeat the same here? Jan McMahon and Andrew Gohl should be very worried. I hope Business SA is listening to what we are saying here today and what the opposition is warning about, because the next budget is going to be a horror budget.

Time expired.

YOUTH INITIATIVES

Ms SIMMONS (Morialta): I rise to inform the house about a conference I was privileged to attend here in Adelaide which demonstrates an excellent example of state and local government working together for the benefit of the community. The Minister for Youth, the Hon. Paul Caica, who is here in the house, hosted this event. It was a joint initiative between the Office for Youth and the members of the Local Government Youth Services forum, which aimed to strengthen local state government partnerships in the delivery of youth initiatives in South Australia. Keynote presenters from Victoria and Queensland broadened the sphere of South Australia's experience, adding a new dimension of good practice in service delivery. The sessions, workshopped by the interstate visitors, explored such areas as: what makes good youth work in this century; what are the challenges; what works; what helps; and, perhaps more importantly, what gets in the way. Participants also workshopped ideas on how government can best assist communities to work alongside and support marginalised young people.

I think that we are all aware that local government elections will take place later this year. It will be a key challenge for all local councils to encourage young people to both stand for council and vote in these forthcoming elections. It is an indictment on the process that, in the 2003

elections, only 2.7 per cent of candidates were aged under 24 years and only 6.05 per cent were between the ages of 25 and 34. We are really not attracting young people to these positions. Perhaps even more significant were the figures relating to those young people who voted in these elections. Of the total number of people who voted (which was not that many because, as the house is aware, we have non-compulsory voting in local elections), only 33 per cent were between the ages of 18 and 39, that is, between the legal voting age and under 40. Before the next elections, which are now only a couple of months away, local councils will have to work hard to engage with their youth and make voting and participation relevant to young people.

In conclusion, I highlight a particularly excellent program being provided by Campbelltown council, in my electorate, through its Youth Development Officer, Dan Popping. Know Your Limits is an alcohol awareness program developed by Dan in response to the alarming statistics and growing concern with respect to binge drinking and alcohol-related incidents among young people. Congratulations must also go to the Campbelltown Youth Advisory Committee, which worked in close consultation with Dan to develop the program, as well as the South Australia Police Drug and Alcohol Team, which also partnered the group and provided invaluable support both before and during the program.

This successful program tackled a difficult and sometimes controversial issue and demonstrated how, when state and local governments problem solve together, good programs can be achieved. Several other councils represented at the presentation are now looking to piggyback this excellent initiative. The conference was a very worthwhile event and a great initiative by the Minister for Youth. I commend to the house all those who participated in the day.

GLADSTONE EXPLOSION

The Hon. R.G. KERIN (Frome): I rise to give the house an update on the follow-up to the Gladstone blast disaster that occurred on 9 May. There is no doubt that this was a massive disaster not only for the communities of Gladstone and Laura but also more so for the families involved. It is terrific to see the amount of support they are receiving from both their local community and the broader community. The burial delays were cruel but unavoidable. On 16 June, the last burial was held and, hopefully, recovery can now take place at a faster rate. Everyone is pretty keen to move on in the best way they can.

It was obviously a personal tragedy for many, and it has had a huge impact on the local community. On the Tuesday of the tragedy, and on the following days, many people from the CFS, the SES, the police, the clergy, government departments and a whole range of other people got in and helped out. People from government agencies did a lot of the counselling and so on. Many of those involved knew the families, and the way they went about their job was greatly appreciated. They did it in a way that was above and beyond the call of duty. The many volunteers, local people and people from the various agencies really did a fantastic job. Everyone was just so keen to try to help the families through what was an incredibly difficult period.

As many know, two appeals have been set up. There is the Red Cross appeal, to which the government very generously gave an initial $100 000 and to which the local council also donated, and there have been many other very generous donations. In addition, there is the Footy for Gladstone appeal, which has been established mainly by the footy community of Adelaide, and their help has been absolutely terrific. The Minister for Employment, Training and Further Education (who is in the house at the moment) and I are both trustees in respect of that appeal.

Football is very central to this tragedy. In the local community the tragedy has had a major impact. The Southern Flinders Football Club is left without its three best players for the rest of the year, as two of them were killed in the tragedy and one other was badly injured. Darren Millington was something of a legend with the club, having played a couple of hundred games and been on the committee, and his lads are captains of the two colt sides. It has had an enormous effect on the football club.

There has been a fantastic response from the football community. Many people would have heard of Gladstone but not really known much about it—and people like Bob Hammond, David Shipway, everyone at the SANFL, the AFL, the Crows, the Power, and many other clubs have shown their support in this respect. Also, there has certainly been an enormous amount of support from a whole range of businesses and individuals, as well as the media. We often knock the media, but efforts were made by Graham Cornes and Ken Cunningham to do the Football Show from up there. I acknowledge FiveAA, Channel 7, *The Advertiser*, Messenger Press and a whole range of people who have been helping out enormously.

A big fundraising luncheon will be held on 28 July at Football Park which, hopefully, will be very well supported. On the following day, the AFL and SANFL have agreed that the Southern Flinders A-grade football side will play the curtain-raiser to the Port Power/Sydney Swans game at Football Park. That has been very well received locally and by the coach and it has given the community something to focus on in the near future, rather than looking back. I thank everyone who has helped to make sure that has come about.

It is terrific to see the amount of support received from the football community. There is unbelievable support, even out of Melbourne, for this matter, with the AFL having made several incredibly generous gestures. As I have said, the general support shown and the way the community has hopped in to help and work together—they really are one big family in this respect—has made it a lot easier for the families involved. I have spent a fair bit of time with the families and I know that they really appreciate not only their families and friends being around them but the local community as well. They are very grateful for the huge show of support, both financially and in other general ways, from the broader South Australian community.

NATIONAL RESEARCH FLAGSHIP

Ms BEDFORD (Florey): Preventative health is an area where much great work is being done and, through the good services of organisations such as the CSIRO, I believe we are about to see some very big and important changes to our health statistics. It was my pleasure to represent the Premier at a luncheon in May hosted by Dr Richard Head, Director of Preventative Health National Research Flagship. The goal is to improve the health and wellbeing of Australians and save $2 billion in annual direct health costs by 2020 through the prevention and early detection of chronic diseases.

The National Research Flagship initiative takes a scientific and commercial partnership approach to tackling major challenges faced by Australia. It is one of the largest scientif-

ic undertakings in our nation's history. The National Research Flagship will deliver benefits in fields as diverse as health care, food, the environment, light metals, oceans, energy and communications. The work is on effective early disease detection and prevention strategies and will come from research programs focused on four major chronic disease areas: colorectal, or bowel cancer; neurodegenerative diseases; cardiovascular diseases; and inflammatory disease.

Colorectal cancer's early detection and identifying the predisposition to the disease will be the goal, along with understanding how the environment of the colon affects the susceptibility to colorectal cancer, as well as the development of food and food supplements that promote bowel health. There is already one prototype protective food supplement, which will soon be undergoing clinical evaluation.

In the neurodegenerative disease area, work will be done to help understand the causes of conditions such as Alzheimer's and hopefully lead to development of potential protective agents. In cardiovascular and inflammatory diseases the work will be used to identify natural and synthetic agents for the prevention or retardation of these diseases or disorders. Research will also focus on developing a ground breaking population health research tool using new highly advanced database and data analysis technologies, along with work on environment and health interactions. That will help identify the key factors that have the greatest impact on human health today. This information will be used to initiate research programs in the areas where the greatest impact can be made.

There were several very interesting presentations at the lunch, particularly one from the university of South Australia, which is involved in the research. There was also exciting information about the Flinders Centre for Innovation in Cancer, the joint centre from the Flinders Medical Centre, the Flinders University and the Flinders Medical Centre Foundation. It will be a comprehensive integrated cancer centre, focusing on prevention strategies, clinical, biomedical and translational research, along with, most importantly, holistic patient care. I am particularly interested in this centre because of what I hear from my son, a scientist working at Flinders Medical Centre. In this setting, combining laboratory, clinical and population research expertise, along with access to patients, multidisciplinary research into cancer prevention and control will flourish.

The importance of this work becomes apparent when you consider the statistics around cancer. I refer to the first ever statewide cancer control plan, a four year plan that will set a framework to tackle the disease. When we look at the cancer incidence and mortality lifestyle choices, we see that smoking and alcohol consumption are well known risk factors. The 2003 report released on the eve of World Cancer Day, 4 February, confirms that smoking contributes to 14.2 per cent of all male and 7.5 per cent of all female cancers. Alcohol contributes to 2.8 per cent of all male and 4.3 per cent of all female cancers. The mortality figures are much worse. Of the 7 775 new cases of cancer reported in 2003, there were 3 282 deaths. This is 67 more cases than the previous year reported and, hearteningly, we saw 42 fewer deaths. Colorectal cancer is one of the most common cancers in both men and women, which is why the CSIRO research programs are so important.

Prevention, early detection and better patient treatment are vitally important in ensuring a better quality of life and longer life outcomes. The old saying that every day is a bonus really is true, particularly if you are enjoying good health. As is the old saying, 'You are what you eat', and the CSIRO programs are particularly important because of their approach to the relationships between food and cancer occurrences. I commend to the house the work of the CSIRO. We will certainly be seeing a lot more of it in future.

PREVENTION OF CRUELTY TO ANIMALS (MISCELLANEOUS) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Prevention of Cruelty to Animals Act 1985. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

There are two bills with the same short title, but they deal with two different aspects. This bill increases the penalties that have declined in significance over time. It doubles the maximum penalty from $10 000 to $20 000 and increases the maximum imprisonment term from one year to four years. There is some variation in some of the other penalties but, generally, it seeks to send a message that the community does not in any way support people who are deliberately cruel to animals, and that is simply what this bill sets out to do.

The bill contains a provision, which I draw to the attention of members, which relates to striking an animal using a whip, crop or similar device for the purpose of causing the animal to run faster, or uses any other device intended to cause the animal to respond in a particular manner by the infliction of pain. It makes clear, for example, that a rider involved in dressage or show jumping can use a crop to guide a horse, but not to inflict pain, so I draw the attention of members to that. Apart from that particular aspect of the bill, the rest relates to increasing the existing penalties which have become dated through the effluxion of time. I believe these new proposed penalties are in keeping with what the community would ask us and want us to do in this parliament. I commend the bill to the house.

Mrs REDMOND secured the adjournment of the debate.

DEVELOPMENT (SIGNIFICANT TREES) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Development Act 1993. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This bill is short and very simple. I guess the application of this varies considerably in terms of likely frequency according to the type of electorate, but in my area, and I am sure in many others, there are often issues arising from the removal, or proposed removal, of a significant tree. Under the current law, the local member is not notified of that proposed removal, so the member hears about it usually from a member of the community who is upset and who comes to the member and says, 'I am concerned about this.' Then the member has to turn around and ask the council for information. What tree? Why is it proposed to be removed? What is the arborist's report? What is the justification for removing the tree? There are many times when the tree should come out, but we have

to go through this process of requesting the council to tell us why there is a request to remove the tree.

I think it is commonsense for the council to be required to notify the local member, and to put on the website, that an application to remove a tree has been lodged with the council, and then we do not have to waste the council's time, or electorate office time, finding out where the tree is and why it is proposed to be removed. All in all, I think it is an efficient and time-saving approach. That is all this bill seeks to do. In an electorate like mine, we get dozens of these requests or concerns about significant trees—not just one or two—and it takes up a lot of time having to chase the council. The council usually willingly tells us what the issue is and why it is planned to be removed, but why go through that rigmarole when, with a simple amendment to the act, the council could notify the local member and put on the web that a tree has been requested to be removed and indicate why, and save everyone a lot of time? On that basis I commend the bill to the house.

Mrs REDMOND secured the adjournment of the debate.

DOG AND CAT MANAGEMENT (MANAGEMENT OF CATS) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Dog and Cat Management Act 1995. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

This bill is clearly more controversial than many, but I think it is necessary. I am not anti-cat; in essence, this bill replicates the provisions relating to dogs to provide for the identification of a cat (and that can be by microchipping, disc or other approved identification means) and for the registration of the cat. The bill provides councils with the authority to provide for the proper management of cats. As I said, I am not anti-cat—I think they are lovely creatures, the same as are most other creatures—but, sadly, there are people in the community who are irresponsible in managing cats and who allow them to wander and inconvenience other people. This can include, for example, urinating in people's airconditioning ducts or systems (which happened recently to someone who complained to me), scratching cars, fouling property, killing birds, and so on. The other very unfortunate aspect is that some people release cats or kittens—dump them—and if you travel anywhere in our countryside you will find these creatures, who have had no way to survive other than by killing native animals and birds. This is the result of irresponsible behaviour by some in the community.

As I said, this bill is really a mirror image of the dog management provisions of the Dog and Cat Management Act. It provides that councils are required to administer and enforce the provisions of the principal act relating to cats within their council area and, for that purpose, amongst other things maintain a register of cats. Each council will also be required to prepare a plan of management relating to cats within its area—and I acknowledge that some councils have already done that, although generally it has not happened throughout the state. A plan of management may limit the number of cats that may be registered in the name of one person, and may set a curfew period during which cats must be confined. The bill also requires that cats over the age of three months must be registered, although cats in the custody of certain persons are exempt from registration. A certificate of registration and a registration disc will be issued at the time of registration.

The bill sets out a new section to deal with the registration procedure for cats, and the registration will remain in force for a period of 12 months from 1 July until the following 30 June. The person in whose name a cat is registered must keep the registrar of the area in which the cat is registered informed of any change in details. If a registered cat is transferred from one person to another, the first person needs to give the new owner the certificate of registration and the registration disc that was last issued in respect of the cat.

There is a provision that, if a person is aggrieved by an entry in a register under this act, they may apply to the council for the rectification of the register. If a cat is not identified, as prescribed by the regulations, the person who owns the cat is guilty of an offence, which would incur a fine of $250 or an expiation fee of $80. Fees and application charges, etc. would be determined by the Dog and Cat Management Board. There are provisions for boarding catteries to keep records, as required by councils.

I believe this is a reasonable measure, and I believe that the vast majority of people in the community, including responsible cat owners, would support it, because they value their cat or cats and will take the trouble to make sure their cat is identified and registered. My argument is that, if someone does not care enough about their cat to have it identified and registered, they should not have a cat, anyway. There are cat fanciers who have a different view, and I know some people have already indicated their view. The RSPCA has communicated with me by way of its Executive Director, Dr M. Peters. The last sentence of his letter states:

> The RSPCA guidelines on the control of cats recommends, among other important measures, the registration and identification of pet cats.

In fairness, I believe there was correspondence from the Feline Society of South Australia indicating that it does not support the identification and registration of cats, and I am sure that the Assistance to Sterilise Animal Advocacy Group, headed by Christine Pearson, would be opposed to cat registration. We know that, whatever measure is put up in this parliament, there will be some people who, from their perspective and with good reason, would not support it. However, I believe we have to act in the interests not only of the creatures themselves but also on behalf of the majority of the community.

In my assessment, the vast majority of residents of South Australia want a proper mechanism and a proper management arrangement so that those people who love and want to keep a cat can do so and know that their cat is receiving proper care and protection, as reflected in the fact that the owner wants to identify and register it, and that over time we will get rid of the irresponsible person who does not care enough about cats to look after them and keep them in a safe and secure way, where the cat is free from danger and so on. We need to weed out those people—and they are the same sort of people who dump kittens out in the bush in a most callous and cruel way—so that over time they will be removed from the category of ownership of cats.

As I said at the start, I believe that cat ownership is a great activity and hobby. Cats are a great companion animal for a lot of people, and it gives a lot of people a lot of pleasure. However, let us do it sensibly. Let us have a management arrangement which replicates the proven approach used in the case of dogs. Let the people who want a cat and love their cat

keep it but, at the same time, reduce the unacceptable behaviour of some people in the community who do not have any regard for the welfare of cats or, indeed, other creatures.

I believe that this measure, in essence, highlights the value of cats and that it will provide not only comfort to the owners of cats but also satisfaction to others in the community who have had to suffer because of the actions of an irresponsible minority who let their cat wander and harm or annoy others or who, as I said earlier, do worse things in terms of dumping a cat or kittens. This is a compromise between laissez-faire cat ownership and what I would say is the appropriate course of action which is responsible cat ownership, properly managed, without being draconian, and operating in a way that is reasonable and fair not only to cat owners and cat lovers but also to the wider community. I commend the bill to the house.

Mrs REDMOND secured the adjournment of the debate.

ROAD TRAFFIC (MISCELLANEOUS) AMENDMENT BILL

Mr HANNA (Mitchell) obtained leave and introduced a bill for an act to amend the Road Traffic Act 1961. Read a first time.

Mr HANNA: I move:

That this bill be now read a second time.

I bring before the parliament today two proposals for better road safety in South Australia. The government has already taken a number of measures to increase road safety in South Australia, and I have two suggestions. The first is in respect of speed cameras. At the present time, the signs indicating to motorists that there is in fact a speed camera present are situated some short distance after one has passed the speed camera concerned. That is very good for the revenue of the state of South Australia, but I am not sure that it is the best thing for road safety. I am suggesting a crime prevention approach. The legislation I put forward proposes that the sign indicating that there is a speed camera should be set a short distance before the speed camera. I presume that, if the police are acting with the reduction of road crashes as their highest priority, they would be placing speed cameras at the areas where there are more crashes and more danger than anywhere else.

If we want to reduce the speed of motorists at those places, let us have the signs visible before the motorists even get to the speed camera. If people are stupid enough at that point, after passing the sign saying, 'Speed Camera ahead', to speed past the speed camera itself, no-one is going to have any sympathy for them. But, as it stands now, there are a number of situations where I would have considerable sympathy for people detected speeding, and I refer particularly to the case where the speed limit is unclear. I know of a number of people who have been caught, for example, travelling at 60 km/h in a 50 km/h zone; I refer to Peacock Road through the southern parklands.

In those situations, it is not really about reducing danger; one can only think that it is about increasing revenue for the government. I am suggesting that we take a crime prevention approach. It is no different to the banks which have a security guard out the front of the bank. The reason they do that is to stop the crime from being committed in the first place. They do not wait for the crime to occur and then try to chase someone. By the same token, if you have a sign before a speed camera, people are going to slow down. Quite frankly, I would not care if the government introduced measures to have speed camera signs warning of speed cameras that are not there. It would not worry me if there were a sign but no speed camera, because it would modify driver behaviour. At the end of the day, that is what you want to do if you are most concerned about road safety. So, that is one measure that I bring to the parliament today.

The other proposal relates to cyclists and specifies that there should be a one-metre clearance when a motorist is overtaking a cyclist. The current state of the law is that motorists must overtake safely. It is as simple, as general and as vague as that. When overtaking cyclists, there is obviously a particular danger because of the vulnerability of cyclists. It seems to me that it would be better for cyclists, motorists and the police, who seek to enforce the law, to have a specific measure so that everyone knows where they stand. It means that motorists will be conscious that they need to be one metre clear. It will not just be a matter of judgment about how safe they think they are; it will be a matter of judging that distance.

If the law is implemented, cyclists will have a slightly greater degree of protection from passing motorists. Police officers seeking to enforce the law will at least have something objective to go by if they do want to stop and caution or even charge a motorist for being too close to a cyclist. In the present situation, if the police were to apprehend a car or truck driver because they were passing so close to a cyclist so as to create a danger, they would have to argue in court about whether or not it really was safe overtaking. If it is not unsafe enough to the point where someone is knocked off their bike, the police may have difficulty proving that. But, at least if a one-metre minimum distance is required, police can give evidence about that distance being observed if they catch someone coming too close to a cyclist. After all, one metre is not significant if you are cycling on one of the main roads of Adelaide and a car or truck goes past you at 60 km/h; you are going to have quite a shock—and as a cyclist I have experienced that myself.

At the same time, I acknowledge that there are obligations on cyclists. Cyclists are meant to be travelling, as close as practicable to the left-hand side of the road, like all motorists. Of course, cyclists are permitted to ride two abreast but, nonetheless, generally they should be keeping to the left-hand side of the road. If everyone plays by the rules and car or truck drivers do overtake with at least a metre, then we are going to have safer roads. That is the intention of this proposal. So, I bring those two proposals to the parliament and I trust that, over the two- month break that we are about to have, both of the major parties will give the measure earnest consideration.

Mrs GERAGHTY secured the adjournment of the debate.

PREVENTION OF CRUELTY TO ANIMALS (COMMERCIAL BREEDING OF COMPANION ANIMALS) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Prevention of Cruelty to Animals Act 1985. Read a first time.

The Hon. R.B. SUCH: I move:

That this bill be now read a second time.

As I indicated to members earlier today, the two bills introduced today with the same short title focus on different

aspects of animal cruelty. This bill is particularly targeting what is called the commercial breeding of companion animals, or operating what is sometimes called puppy farms. The RSPCA has been concerned for some time about the practice of so-called 'puppy farming'. The national President of the RSPCA, Hugh Wirth, says:

> The operations are driven by demand from Asia for white, fluffy pups, and governments must be vigilant. . . Right at the moment, before the Victorian parliament there are amendments to those laws which will toughen up the sale of pets from pet shops and also toughen up even more the law relating to puppy farming.

My focus here is particularly in relation to puppy farming. The way this is tackled in the bill is that the relevant minister authorises the breeding of dogs on a commercial basis, and new section 15A(5) provides:

> (5) An authorisation under this section
> (a) must—
> (i) if it relates to dog breeding—contain conditions that seek to prevent the practice known as 'puppy farming' and
> (ii) in any other case—contain conditions that seek to prevent any corresponding practice in relation to the relevant prescribed companion animal.

The term 'companion animal' is defined in the bill as 'a domestic pet or other animal that is normally in regular contact with humans'. Some members may ask: where is the problem, and what are you trying to deal with? Clearly, the people who engage in puppy farming will not make themselves well known, in the sense that they do not want to draw attention to what they are doing. I will cite some factual examples from interstate. Recently, 120 dogs were on a puppy farm in Curlwaa in New South Wales. Investigation revealed that many of those dogs, if not most, were in a very poor state. Another puppy farm had 100 dogs that were 'unfit for breeding' as stated by the Campaign Manager of Animal Liberation Victoria, Debra Tranter. Seventeen of those dogs were suffering from various ailments, including: extreme flea infestation; shot jaw; teeth missing; head lesions; light weight; rapid breathing; ear infections; and more. The executive officer was asked: what hope do the dogs have? She answered:

> It's very hard to fight an industry that views dogs as mere profit machines, but after all the licks, wags and love they have given me, I owe them this fight. Their lives depend on it.

Two puppy farms in Victoria were also given as examples, one of which was called Learmonth Puppy Farm. If you think about it, it is quite sick that the name should be Learmonth Puppy Farm. That farm had more than 1 000 crossbred dogs. The people who worked there witnessed the manager hitting the dogs on the head with a hammer and swinging them up against a fence post to kill them. They reported that feeding and watering days were three times a week, and one dog was left in the cage with a broken leg for three weeks with no veterinary attention under orders from the owner. When the matter was reported in Victoria, the owner was simply given a caution.

The purpose of such so-called puppy farms is, in some cases, to produce dogs to sell in Asia. One can only imagine the fate of those dogs, but others are very inappropriately bred (I use the term 'bred' very loosely) and, as I have already indicated, suffer tremendously in terms of their condition. There has been concern raised recently here in South Australia about this practice of so-called puppy farming. Dog breeders who do the right thing and actually love dogs and care about animals generally (and dogs in particular) would not be involved in this type of activity. They have nothing to fear from my bill, because they are not involved in the cruel treatment of dogs, whether that be in the actual keeping or for their ultimate purpose, which could involve all sorts of unpleasant outcomes in Asia.

I have had constituents raise concerns with me about this issue, just as they have with all those other matters that I have raised. I do not raise things in here simply for the sake of it. I do not actually have a dog myself, but I believe that, whatever the creature (dog or whatever), it is entitled to be looked after properly. The activities of unscrupulous people who have hundreds of puppies kept in poor circumstances or who are breeding them for the purpose of making a quick buck in Asia should be curtailed. I am sure the huge majority of the community would support a measure which does not intrude on legitimate breeders—those who care about dogs and love dogs. They would welcome something that tackles this insidious practice, generally known as puppy farming.

This bill, I think, is something the community will support. As I say in respect of all my bills, if the government wants to move and can move more quickly than I can then I am more than happy for that to occur. I think the time has come to make sure this practice is stopped. I think it is more widespread than we are aware of, because it tends to be an undercover operation. The Victorian parliament is moving to deal with this issue and I believe that, likewise, we should move to stamp out what is a totally unacceptable practice of cruelty, both in the keeping of hundreds and sometimes more than a thousand puppies in one location and, also, using these puppy farms to supply dogs to people in Asia whose desire to have a dog may not necessarily equate with what the residents of South Australia would wish to be the fate of any puppy. I commend this bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

CRIMINAL LAW (SENTENCING) (VICTIM IMPACT) AMENDMENT BILL

Second reading.

Mrs REDMOND (Heysen): I move:

That this bill be now read a second time.

This measure has come to us having already passed in the upper house, and it seeks to change the current law slightly in respect of victim impact statements. As the name suggests, a victim impact statement is designed to enable a court to know something of the impact which criminal acts have had upon the victim of the particular action that is being heard in the court. At present the Criminal Law (Sentencing) Act provides already for victim impact statements to be available to the court when considering the sentence to be imposed, but there are some limitations upon the circumstances in which that occurs. First, the victim impact statement will apply only in cases where there is injury, loss or damage which has resulted from the defendant's actions, and that has occurred as a result of an indictable offence. So, that is an offence at the very serious end of the scale.

Secondly, there is no obligation at present for the defendant to be present in court when a victim impact statement is read to the court, and I have seen in the media some reports about victims who were quite aggrieved that they had prepared a victim impact statement. I know, from the work that I—and, indeed, your good self, Madam Deputy Speaker—did on the juvenile justice select committee, that one of the great things about family conferencing, for instance, is

that it gives the opportunity for people who have been aggrieved by a criminal act to actually have a conversation, if they wish to have it, with the perpetrator of the action, and it makes them generally feel better about what has happened.

I remember the evidence given to that committee by Patricia Rowe, a magistrate in the youth court, who said that a lot of the time, for instance, people who had been the victims of break-ins to their home felt that they had been targeted, and having time to speak with the perpetrator of the crime against them actually reassured them that the perpetrator chose their home only as a matter of convenience, and not because they had been targeted in any way. So, it enabled them to feel a lot more relaxed about proceeding because they would not go home with the feeling that they were going to be attacked in the future because, most of the time, the perpetrator of the crime did not even know that particular person. There was no personal vendetta involved against them; they were not aware of the address at which they had perpetrated the crime; and the effect of it in that case is enabling victims of such a crime to feel reassured that they were not likely to become the target once again.

In the media there have been reports of people who have prepared victim impact statements only to find that, when the matter was read out to the court, the people who had committed the criminal act which had so aggrieved and hurt them were not in court, nor were they required to be in court, to hear the effect of it. Victim impact statements can be fairly broad ranging, and I suspect that we as a legislature will have to come back to visit victim impact statements further, because one would need to be fairly careful about the terms in which victim impact statements are couched, and one would need to be careful to ensure that people making such a statement included in it only the things that were relevant to the particular case.

I know from many years in legal practice that sometimes, when people had an event occur involving them, it became the fulcrum on which a lot of other events in their lives turned. In particular, if they had an injury, it might become the reason for changing a range of things in their life which were underlying problems they needed to address. The injury simply became the excuse or trigger which enabled them to make those fundamental changes.

I think there are situations in which victim impact statements will need to be considered before they go to the court, because I suspect that there is the potential for a victim to try to sheet home to the perpetrator of the crime all sorts of consequences which may not have actually flowed from the perpetrator's actions. However, at the end of the day, we need to ensure that people who have suffered an injury because of a criminal act perpetrated against them (or against their property, or whatever) not only have the opportunity to be heard by the court but also have the person who has committed this offence against them understand the consequences of that deed.

Madam Deputy Speaker, I am sure you would recall, from the juvenile justice select committee, what the effect was on the young people who were involved in criminal activity of actually having to confront the consequences of what they had done. It may not have seemed like a big deal to them when they slashed the tyres of someone's car or broke into a house, or something like that, but when they confront the person who was affected by that act, and understand that that person could not afford to get new tyres for their car or could not feel comfortable in their house because of the invasion of their space, that, in fact, had a bigger impact on most of those young people than whatever the sentence would have been had they simply been dealt with somewhat anonymously in a court. So, as a general principle I think it needs to be understood that there is benefit to both the victim and the perpetrator, in cases of victim impact, in having an understanding of what the effect of the actions of the convicted person has been on the person who has been wronged.

The bill that comes to us from the upper house—which, as I said, has already been passed in that place—seeks to at least address two fundamental questions that have arisen in terms of what victim impact statements do currently and where they are failing to do what was originally intended. In the first instance, the bill extends the circumstances in which a victim impact statement may be given. At the moment it is restricted to matters where the defendant is actually convicted of an indictable offence and a person sustains injury, loss or damage. This bill seeks to extend that to include prescribed summary offences. It is not to take in all summary offences, only those which harm or endanger, or are likely to endanger, a person's life or that result in harm that consists of, or is likely to result in, loss of, or serious and protracted impairment of, a part of the body or a physical or mental function, and harm that consists of, or is likely to result in, serious disfigurement.

In other words, there has to be a real impact. Not all summary offences (and there are all sorts of very small summary offences) will be included. Even the level of someone getting involved in a bit of a brawl in the pub or something, which would normally be dealt with by way of a summary offence, will not be included unless it actually results in harm to the person or endangerment to their life. I do not think this is an unreasonable extension of what we already have. Clearly indictable offences are those at the serious end of the scale and they are already covered, but to include serious summary offences (which are quite restricted, being those which are actually causing harm to someone or which are likely to cause harm) is, I think, a reasonable extension of the existing situation.

The second part of the bill simply provides that, if the person providing the victim impact statement so requests when furnishing the statement, the defendant must be present in court when the statement is read. So, their presence will be at the option of the person providing the victim impact statement. Again, that seems to me to be quite a reasonable extension of what we currently have in that the statement will be read in court and the victim will be the person who has the benefit of saying, 'Well, I want the defendant here,' or 'I don't want the defendant here.'

Of course, some people have enormous difficulty with even being in the same room as someone who has perpetrated an injury against them. I know from the years I spent dealing with personal injury cases that, mostly, when we were negotiating, we did not even put people in the same room. That was partly for negotiation purposes, but often it was because I had clients who were largely plaintiffs—people who had been injured—and they would say that they were very concerned about even seeing the person who had perpetrated the injury against them, let alone being in the same room with them. So, it was always arranged that, unless the parties all wanted to be in the same room for the purposes of negotiation, the negotiations would be conducted with the people well and truly separated, with the plaintiff put in one room where they could feel comfortable and secure, with the solicitor going out from that room and meeting with the solicitor for the other side and then going back to report what

was going on. On most occasions, those negotiations were conducted very successfully without there being a requirement that the parties even saw or confronted each other. Indeed, on some occasions, we specifically delayed departures and adjusted people's movements through the courts so that they would not even run into each other in the hallways or in the lift, or anywhere else.

On the other hand, in the case where a victim really wanted to see that the person understood what had happened to them, in my view that is reasonable, too. The person should have the right to say, 'Well, I want this person to understand how dramatically this incident has affected my life.' I am no expert on victim impact statements, but I think that, by and large, people only want to proffer a victim impact statement if they are in a situation where they feel that what has happened to them has had a dramatic effect on their life—whether that is the loss of a loved one or a severe injury to themselves, or whatever it might be. It is only reasonable that they be able to say that their injury and its consequences and whatever has happened to them be understood by the defendant; that is not to say the defendant will be expected to make any response to that but merely to be present and at least to hear the statement.

On the one hand, one might say that you can lead a horse to water but you cannot make it drink. A person may read a victim impact statement in a court with the defendant present but, if the defendant simply decides they will not even listen, in some circumstances it may be even more aggravating and more upsetting—that is, to see someone sitting there deliberately avoiding hearing what is being put as the consequences of their actions against another person. However, on the other hand, at least the court can make every effort by introducing this measure to allow a person who has been harmed by the wrongful act of another the chance to have that understood—hopefully, not just by the court but also by the defendant. Indeed, one would hope that, if we had the situation of a defendant deciding not to listen, it would be just as obvious to whoever was presiding over the court.

In my view, it might well be taken into account on an assessment of the degree of remorse a defendant shows; that is, if they are not even prepared to listen to what the victim wants to say about the consequences of the defendant's action. As I have said, I think this legislation is important. It will be a move forward for victims, and it is an appropriate adjustment to what currently exists in our criminal law. On that basis, I commend the bill to the house.

The Hon. M.J. ATKINSON (Attorney-General): The government supports the principle of the bill, but we do not apologise for making the principle part of a broader reform. It has been said by proponents of this measure that it was an act of bullying last week for us to adjourn the debate. We acted entirely properly and in accordance with normal convention, and I know the member for Heysen would not have sought to finalise the bill in any case last week, as she does not seek to finalise it today. The government does not govern by press release. It does not govern on impulse. This principle has to be checked for unintended consequences. Remember this, Madam Deputy Speaker: seven years ago, no victim—or, in the case of homicide, the family of a victim—had the right to give an oral victim impact statement. It was resisted stoutly by the Liberal government of the time and it was only a private member's bill of mine that got the right at all in indictable offences where violence was used. The idea now is to extend the oral victim impact statement to the courts of summary jurisdiction—namely, the Magistrates Court—where there has been a death result or permanent disablement. I have no quibble with the principle, but our legal system is so complicated that it would be irresponsible to rush this provision through without checking what the consequences would be.

I cooperated in good faith with the Hon. Nick Xenophon to get the Dust Diseases Bill through parliament, and Angus Redford of the Liberal Party cooperated, too. We got it through in record time. But that does not justify legislating in haste where we do not know what the unintended consequences of the legislation will be. This government has a very broad policy to improve the lot of victims of crime. It was in our election policy, and anyone can read it. For instance, we are increasing the payment of solatium. But let it be known that the Liberal Party was not going to pass this bill last week, and it was not going to pass the bill this week, because it well knows that it would be irresponsible to do so. Liberal and Labor are of one mind about this bill.

Debate adjourned.

WORKERS REHABILITATION AND COMPENSATION (TERRITORIAL APPLICATION OF ACT) AMENDMENT BILL

The Hon. M.J. WRIGHT (Minister for Industrial Relations) obtained leave and introduced a bill for an act to amend the Workers Rehabilitation and Compensation Act 1986. Read a first time.

The Hon. M.J. WRIGHT: 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 proposes to amend section 6 of the *Workers Rehabilitation and Compensation Act 1986* ('the Act'), which addresses the territorial coverage of the Act. This is a critical part of the South Australian workers compensation scheme, as it determines whether or not a worker is covered in this State or under an interstate scheme, and therefore whether an employer needs to take out workers compensation insurance in South Australia for their workers.

Background

Territorial coverage of the Act has been a vexed and complicated issue for almost a decade. In April 1995 the former Liberal government amended section 6 of the Act into its current form. Unfortunately the amendment proved to be seriously flawed, producing both overlaps and gaps with other states' and territories' territorial coverage. The flaw arose due to the inclusion in section 6 of a test relating to the worker's place of residence, a test not included in any corresponding interstate provision.

In situations of overlapping laws, there has been frustrating and needless uncertainty for employers. For many years, some employers have had to take out workers compensation insurance for the same workers in more than one state or territory. This was the case even if a worker worked only briefly in another jurisdiction. While workers cannot receive 'double compensation' under any Australian scheme, some could at least 'forum shop' in an attempt to receive compensation in the most favourable jurisdiction.

Illustration of gaps: *Selamis & Smith*

On the other hand there have been gaps in the territorial coverage of some schemes, and sadly this has led to some tragic consequences for some workers. In 1998 two Supreme Court cases laid bare the deficiencies in the section, in particular the provision that links a worker to the state or territory where they live. In the case of *WorkCover v Smith*, Ms Smith was the de facto partner of the employee Mr Keating, a truck driver who travelled across state borders regularly. While Mr Keating was employed by a South Australian company, he lived in New South Wales. Mr Keating was killed while at work at Pinnaroo in South Australia.

The Supreme Court held that, even though Mr Keating spent a reasonable proportion of his working time in South Australia, was

employed by a South Australian based company that paid premiums to insure him here, and was killed at work in South Australia, he was not covered by the South Australian Act. Ms Smith was therefore not entitled to receive any compensation. Ms Smith was also not entitled to receive compensation under the corresponding New South Wales legislation, as their Act at the time only covered injury outside New South Wales where the employer was based in New South Wales. Compensation was not paid in any jurisdiction.

I emphasise that the court in *Smith* reached its verdict reluctantly, pointing out that the result was unjust, but that the court had no choice because of the legislation's drafting. In particular Justice Lander stated:

I draw parliament's attention to the circumstances of this case. Unless the section is amended, any worker who lives outside South Australia but who is employed in South Australia and whose duties of employment require that worker to perform more than 10 per cent of his or her employment outside South Australia is not entitled to benefits under this act in the event that the worker suffers a disability, even if that disability arises out of an injury suffered in South Australia.

In the very similar case of *Selamis v WorkCover*, decided immediately after the *Smith* case, the Supreme Court found that a truck driver (Mr Selamis) was not covered by the South Australian Act for an injury he suffered in the course of his employment. This was the case even though he drove his truck within South Australia about half of his work time, his employer was registered in South Australia and paying levy here, his mailing and temporary home address was in South Australia, and he did not have a permanent residence anywhere else. Like Ms Smith, Mr Selamis was not entitled to compensation in any other jurisdiction and therefore received nothing as a result of his work injury.

Development of National Model

As flawed as section 6 of our Act is, territorial coverage of workers compensation legislation is a complex issue that requires national cooperation and a national solution. Since the *Smith* and *Selamis* cases, all states and territories have endeavoured to reach a consistent national framework with no overlaps or gaps. A number of bodies have driven this work, in particular the various WorkCover authorities (through the Heads of Workers Compensation Authorities), and the Workplace Relations Ministers' Council. Initial attempts faltered and stalled for a range of reasons, not least of all the complexity of the issue and the political difficulty in reaching consensus between eight jurisdictions that have sometimes significant structural differences between their schemes.

SA Bill 2001

By late 2001 the states and territories had almost reached consensus on a model based around a South Australian proposal. At the same time, the former government introduced a miscellaneous amendment bill into Parliament to amend several areas of the Act. The former government did not initially include anything in the Bill on territoriality – their argument being that the national model had not been completely finalised. It took the introduction of an amendment by the Labor Party, and welcome support and further amendments from the Member for Mount Gambier (as Member for Gordon at the time), to bring this issue to the fore. The former government was ultimately persuaded by the merit of our arguments, and amendments to broaden territorial coverage of the Act were included in the 2001 Bill.

That Bill was passed unanimously in the House of Assembly in November 2001 but progressed no further due to the announcement of the State Election, and with the dissolution of Parliament for the February 2002 election, the Bill lapsed.

New National model: NSW/Qld approach

In 2002, the above model was abandoned following rejection by the Workplace Relations Ministers Council. However in late 2002 Queensland and New South Wales both passed amendments to their territorial legislation that 'dovetailed' into each other, which would leave no overlaps or gaps between those two jurisdictions. It did not however provide consistency with any other State or Territory.

The Workplace Relations Ministers Council expressed interest in the above legislative amendments, as did the Heads of Workers Compensation Authorities, which at its July 2003 meeting agreed to support the new legislation as a potential national model. The Government then requested WorkCover to consult with stakeholders regarding the feasibility of adopting the model in South Australia.

Progress of other States/Territories re National Model

Since then, the Parliaments of Victoria, the Australian Capital Territory, Western Australia and Tasmania have all passed legislation consistent with Queensland's and New South Wales'. The legislation has come into force in five of the above six jurisdictions, with the exception being New South Wales, which is yet to proclaim the Bill passed by their Parliament. The Northern Territory government will soon consider a proposal to adopt the national model. .

Aim of National model

The fundamental aim of the proposed national model is to ensure that:

- employers need to register each worker in one scheme and one scheme only, irrespective of temporary movements interstate; and
- every worker is covered by a scheme, that is: no worker or their dependants will 'fall through the cracks' as happened in the unfortunate cases of Ms Smith and Mr Selamis.

SA Bill

The Bill the government is introducing into Parliament today implements the abovementioned national model, moving the country one step closer to historic national consistency in workers compensation territorial coverage. In particular, this Bill is modelled on the Victorian amendments passed in late 2003.

Date of effect

The amendments apply from the date of proclamation and also with limited retrospective effect. There has been significant attention paid to the question of whether the amendments will operate retrospectively. In the government's view, there is a clear case for certain individuals to be compensated for the hardship they have endured as a result of the 1995 amendments – in particular Ms Smith and Mr Selamis. On the other hand, the government was concerned that open-ended retrospectivity may place an unacceptable financial risk on the WorkCover system and further threaten the financial position of the scheme, as it would not be certain how many new claims would emerge.

The government therefore proposes retrospective compensation through two avenues:

1 A person who has made a claim for compensation – which was rejected on the basis of section 6 as it applied at the time – may make a special claim for compensation. If the claim successfully meets the new territorial tests and is otherwise compensable, entitlements could include:
   - weekly payments of income maintenance (for a duration not exceeding 12 months);
   - weekly payments to a dependant spouse in the event of a claim arising from a worker's death (for a duration not exceeding 12 months);
   - medical costs prescribed in section 32 of the Act;
   - a lump sum payment to a dependant spouse in the event of a claim arising from a worker's death; and
   - a payment to meet funeral costs.

2 An *ex gratia* payment at the complete discretion of the WorkCover Board, where the Board is satisfied that the case is one of substantial hardship and it is otherwise appropriate in all the circumstances to make a payment. This avenue would be available both to those who had lodged a previous (rejected) claim, and those who had never lodged a previous claim.

The two proposed avenues for retrospective compensation are clearly quite narrow. Actuarial analysis of the Bill by WorkCover has indicated that it would result in minimal cost to the scheme – around $1.2 million, with 95 percent confidence that the impact would not exceed $1.6 million. This estimate is based on the considered conclusion that only a small number of previously rejected claims would successfully qualify under the provisions. The WorkCover Board is of the view that the potential cost impact is considered minor and does not pose a significant risk to the scheme.

If the Parliament sees fit to pass this Bill with this provision, the necessary administrative arrangements will be made to alert South Australian workers of their possible entitlements. Workers will be allowed sufficient time to lodge their claim, and the WorkCover Board would establish a specific process to determine ex-gratia claims, and the amount of compensation due.

The inclusion of this provision in the Governments Bill ensures the workers who have fallen through the cracks are not forgotten, whilst at the same time, responsibly minimises the financial risk to the WorkCover scheme.

Key elements of Bill: 4-point test

Now I will turn my attention to the detail of the Bill. Central to this Bill and the national model is a four-point 'state of connection'

test, which unequivocally links a worker to a jurisdiction in the event of an injury. The test holds that a worker is connected with:

(a) the State in which the worker usually works in that employment; or

(b) if no State or no one State is identified under paragraph (a), the State in which the worker is usually based for the purposes of that employment; or

(c) if no State or no one State is identified by paragraph (a) or (b), the State in which the employer's principal place of business in Australia is located.

If no State is identified by the above three tests, a worker's employment is connected with the State in which the injury happens, provided there is no place outside Australia under the legislation of which the worker may be entitled to compensation for the same matter.

As mentioned earlier, the strength of the four-point test is that at any point in time, a worker will always be linked to one State or Territory, *and one only*, based on a predominant test of where the worker "usually works" (this first test should decide the vast majority of territorial matters).

Guidelines

Some of the terms in the above test, such as "usually works", undoubtedly need further definition. All jurisdictions have anticipated this and jointly developed a guidelines booklet for the national model. Each WorkCover authority has published or is developing its own tailored version of the booklet for use in their jurisdiction. A good example of this is the Victorian *Guide to Cross Border Workers' Compensation Provisions*, September 2004. The Government has asked WorkCover here in South Australia to develop a similar set of guidelines for publication following the passage of the legislation.

The guidelines contain the following explanations of the first three points in the test:

First test: "usually works

A worker will "usually work" in the State in which they spend the greatest proportion of their working time.

In determining where a worker "usually works", one must take into account both the worker's history in the job (up to 12 months ago), where the contract of employment intends them to work, and the employer's and worker's understanding of where future employment will occur. There is no fixed rule stating which factor is more important; it will depend on the facts of each case – for instance whether the employment has just commenced or not, and what the contract of employment says.

Importantly, this first test allows a worker to work temporarily interstate under the same employment contract for up to six months, without altering where the worker "usually works". This prevents employers from having to obtain new workers compensation policies whenever a worker works interstate for short periods.

When six months of temporary interstate work has elapsed, the employer must review workers' compensation insurance for the relevant worker. At this point in time, the employer may determine that:

- the arrangement remains temporary (in which case the employer should keep copies of documentation supporting the temporary status of the arrangement); or
- the arrangement is now permanent, and the worker has a new State of connection. (the employer must take out insurance coverage for that worker in the new State of connection.)

Second test: "usually based

Where a worker works comparable periods of time across a number of States, the worker's employment is connected to the State in which they are "usually based" for their employment contract. The following factors should be taken into account in determining where a worker is usually based:

- the work location specified in the worker's contract of employment
- the location the worker regularly attends to receive directions or collect materials, equipment or instructions for work
- the place where the worker reports for work
- the place where the worker's wages are paid.

Third test: "principal place of business

Where a worker does not usually work and is not based in any State, their employment is connected to the State in which the employer's principal place of business in Australia is located. The employer's principal place of business will be taken to be:

- the address registered on the Australian Business Register for that employer's Australian Business Number (ABN); or
- if the employer is not registered for an ABN, the State registered on the Australian Securities and Investments Commission's National Names Index, as being the jurisdiction in which the employer's business or trade is carried out; or
- if the employer is not registered for an ABN or on the National Names Index, the employer's business mailing address.

Judicial issues: Choice of law

Under the national model, a territorial dispute can be heard in any jurisdiction and need only be heard in one. Once a "designated court" determines the State of connection, designated courts in all other States and Territories must recognise and abide by the decision. This avoids the need for a claimant to litigate in more than one jurisdiction, and the prospect of conflicting decisions from courts in different jurisdictions. In this Bill, the South Australian Workers Compensation Tribunal has been defined as a "designated court". The Bill specifies that, in determining a question relating to a worker's State of connection, the Tribunal must be constituted by one or more Presidential Members. This ensures that the Tribunal is of sufficient judicial standing to make territorial decisions that are binding on other jurisdictions' courts and tribunals.

Consultation

Major employer and employee stakeholders have been extensively consulted regarding both the proposal to adopt the national territorial model, and this specific Bill. It is important to highlight that some stakeholder workshops were held here in 2003, during which the draft model was subjected to exhaustive 'scenario testing', and no examples could be identified that exposed a flaw in the model.

Business SA and SA Unions have endorsed the draft Bill and welcome moves to amend section 6 of the Act. The Workers Rehabilitation and Compensation Advisory Committee (WRCAC) and WorkCover Board have also endorsed the draft Bill.

I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

This clause is formal.

2—Commencement

The measure will be brought into operation by proclamation.

3—Amendment provisions

This clause is formal.

Part 2—Amendment of *Workers Rehabilitation and Compensation Act 1986*

4—Substitution of section 6

This clause provides a new framework for the application of the Act to workers who may work in more than one jurisdiction.

6—Territorial application of Act

Subsection (1) of new section 6 retains the concept that the Act applies to a worker's employment if that employment is connected with this State. However, the rules to be applied in the following subsections will form part of a nationally agreed approach that is to be adopted in all other States, and the Territories.

Subsection (2) makes it clear that the fact that a worker is outside this State when the injury occurs does not prevent an entitlement to compensation arising.

Subsection (3) sets out the 3 main tests for determining with which State a worker's employment is connected. The subsection provides that a worker's employment is connected with—

- the State in which the worker usually works in that employment; or
- if no State or no one State is identified by the preceding test, the State in which the worker is usually based for the purposes of that employment; or
- if no State or no one State is identified by either of the 2 preceding tests, the State in which the employer's principal place of business in Australia is located.

Subsection (4) provides a special rule for workers working on a ship for whom no State or no one State is identified by the tests in subsection (3).

Subsection (5) provides safety net coverage for workers for whom no State is identified by either subsection (3) or (4)

if the injury happens in South Australia and there is no place outside Australia under the legislation of which the worker may be entitled to compensation for the same matter.

Subsection (6) and (7) set out certain rules for applying the tests in subsection (3).

Subsection (8) makes it clear that compensation is not payable under this Act in respect of employment on a ship if the *Seafarers Rehabilitation and Compensation Act 1992* of the Commonwealth applies.

Subsection (9) contains definitions of ***ship*** and ***State*** for the purposes of the section.

6A—Determination of State with which worker's employment is connected in proceedings under this Act

New section 6A provides a procedure for the Tribunal, or a court, to determine any questions as to the application of the Act on ***territorial*** grounds, and to provide for a record of that determination to be made. If the question arises in proceedings before the Tribunal, the matter must be heard and determined by one or more presidential members.

6B—Recognition of previous determinations

New section 6B provides for the recognition of previous determinations made by the Tribunal or a court under this measure, or by a designated court (as defined) under a corresponding law in force in another jurisdiction.

5—Insertion of heading

This is a consequential amendment to a heading.

6—Amendment of section 55—Prohibition of double recovery of compensation

These amendments revamp the rules intended to prevent double recovery of compensation by workers in order to provide consistency in wording in each relevant jurisdiction.

7—Insertion of Part 4 Division 9 Subdivision 2

This clause inserts new provisions (as part of the national scheme) to specify the applicable law which governs claims for damages in respect of work-related injuries.

Subdivision 2—Choice of law

58AA—The applicable substantive law for work disability claims

New section 58AA (1) establishes the basic principle underpinning these provisions which is that if there is an entitlement to compensation under the statutory workers compensation scheme of a State in respect of a disability to a worker, the substantive law of that State governs whether or not a claim for damages in respect of the disability can be made and, if it can be made, the determination of the claim. The remaining subsections of that section clarify the intended application of this principle.

58AB—Claims to which Subdivision applies

New section 58AB clarifies to which claims for damages and related claims for recovery of contribution the Division applies.

58AC—What constitutes disability and employment

New section 58AC clarifies what constitutes a disability and employment and who is an employer or worker for the purposes of the Division.

58AD—Claim in respect of death included

New section 58AD clarifies that, for the purposes of the Division, a claim for damages in respect of death resulting from a disability is to be considered as a claim for damages in respect of the disability.

58AE—Meaning of "substantive law

New section 58AE contains definitions which clarify what is meant for the purposes of the Division by ***substantive law***.

58AF—Availability of action in another State not relevant

New section 58AF makes it clear that the availability of a cause of action in a State other than the State with which the worker's employment is connected is not relevant to the operation of the Subdivision.

8—Insertion of heading

This is a consequential amendment to a heading.

9—Amendment of section 59—Registration of employers

This amendment is to provide that, in certain circumstances, an employer will have a defence to a prosecution for failing to register under the Act in respect of the employment of a particular worker if the employer can show that the employer believed, on reasonable grounds, that the worker's employment was not connected with this State.

10—Insertion of section 72A

72A—Reasonable mistake about application of Act

This amendment relates to the payment of levy and "matches" the amendment contained in the preceding clause.

11—Insertion of Schedule 5

Schedule 5—Adjacent areas

This amendment provides for the concept of ***adjacent area*** for the purposes of the definition of the ***State*** in new section 6 of the Act. The concept will be based on the concept of ***adjacent area*** under the *Petroleum (Submerged Lands) Act 1967* of the Commonwealth.

Schedule 1—Transitional provisions

This schedule sets out various transitional provisions relevant to the operation of this Act.

Ms CHAPMAN secured the adjournment of the debate.

COMMISSION OF INQUIRY (CHILDREN IN STATE CARE) (PRIVILEGES AND IMMUNITIES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 27 June. Page 669.)

Ms CHAPMAN (Deputy Leader of the Opposition): When introducing the bill in another place, where it passed with an amendment, the minister pointed out that the Commission of Inquiry into Children in State Care (which has been operating for well over a year and a half) has undertaken its work during the course of which Commissioner Mullighan identified an area of concern and has sought some remedy by this parliament. The Minister for Families and Communities, in this house, has explained that, in identifying this request for legislative relief, persons approaching the commission and giving evidence have done so in confidence and with the knowledge that what they say would not be passed on to anyone without their consent, unless the commissioner determined that he must do so in the public interest.

As a result of this inquiry, we have heard from the commissioner that he has received allegations of sexual abuse from 872 persons who have come before him. This abuse relates to either these persons or others either directly or whilst in state care. The commissioner and his staff have undertaken numerous interviews and investigations arising out of those presentations. He has also been investigating the deaths of some 619 children while in state care, and that dates back almost 100 years ago. One would hope that a number of those deaths will ultimately be excluded as being from anything other than natural causes. Nevertheless, there has been a very onerous load of work for the commissioner and his staff as a result of the charter and terms of reference that have been established for him to investigate.

Whilst the terms of reference have been in some ways confined and restricted to the sexual abuse of children in state care—whilst fully acknowledging that there are many other forms of abuse of children—children are also victims and vulnerable to abuse whilst not in state care. So, notwithstanding the narrowness and restrictiveness of the terms of reference, we can see that the scope of the inquiry has been quite extensive. In relation to that scope, I would like to highlight that people have come forward and made allegations in relation to being victims of sexual abuse on one or more occasions in their lifetime—and of course, under the terms of reference, this has to pre-date the date of the act.

What is also important to note is that it has attracted the interest of many other parties and relevant persons. Commissioner Mullighan has provided an interim report to parliament in which he highlights that there have been former carers of children, government officers with considerable experience in the care of state children, representatives of providers of foster care, some foster parents themselves, and other interested persons.

I think that it is also worthy of note that, in the course of providing a service and making it as accessible as possible to all potential persons who wish to register some concern or complaint, or tell their story, the commissioner not only has travelled around the state to enable submissions to be received but has also gone into institutions, including our prisons. This has therefore provided the opportunity for a number of prisoners to come forward and not only tell their history and plight in relation to sexual abuse but also, when they have been perpetrators of sexual abuse, acknowledge their preparedness and willingness to provide information to the commission, which in a general sense has been reported to this parliament. Indeed, a very extensive number of persons have come forward from a number of institutional bases.

Other persons who have come forward include police officers, as well as persons who have been involved with or employed in agencies for the provision of state care of children. Not surprisingly, in the light of the commission's terms of reference, which include the provision that it report on whether there has been a failure on the part of the state in dealing appropriately in relation to allegations and in determining and reporting on whether adequate records have been kept, other parties and persons who have been employees of departments and who have had responsibility in these areas have also made a contribution to the commission. The member for Heysen comprehensively represented to the house the opposition's support to enable this amendment to pass expeditiously.

At the outset, I wish to raise two matters of some reservation and place on the record my concern. The first is the manner in which this matter has come before the house, its rapidity in the request of its being dealt with and what I can only see as not just grossly inadequate but no consultation at all with other relevant parties. From time to time, it is important that, as a parliament, we heed statements by the government that certain circumstances have arisen where something needs to be dealt with urgently. We should listen carefully to that and, where appropriate, assist the government in ensuring the speedy passage of matters to be dealt with.

The basis upon which we were informed of the need for this matter to be dealt with promptly was largely that Commissioner Mullighan had identified areas of potential risk that he and his staff faced in the light of prospective criminal charges to be laid arising out of information that had been given during the course of the commission's inquiry. It is important to note here that the commissioner, in fact, is specifically prevented, under his terms of reference, from making any finding of criminal or civil liability. Not surprisingly—outside of this umbrella of confidentiality which closed the commission, for all the reasons which have been expanded upon in the past and which are very good reasons to have that umbrella of confidentiality—his terms of reference are restricted and specifically exclude findings. But it is not beyond the wit of anyone to understand that, of course, out in the real world there are a number of areas of concern that are being raised and being publicly aired in the media. They range from allegations made against institutions (churches and the like) who failed to provide adequate protection to children whilst in their care, to allegations of impropriety and illegal conduct in relation to abuse of children, all of which attract criminal sanction, prosecution and civil litigation.

We cannot ignore the fact that, outside of this inquiry and its specific purpose—and I think it is worth just repeating here the importance of understanding that the purpose of having this inquiry in a confidential manner is to ensure that we do give every opportunity to people who have been victims to be able to come forward. Hopefully we will see, at the end of this inquiry, recommendations to assist future governments to protect against this type of behaviour happening in the future, but also to look at, perhaps, what other compensation needs to be given to them.

Nevertheless, as I say, outside of this inquiry there is the real world and, in the real world, we have ongoing litigation, we have ongoing allegations, and we have an ongoing display of the history of these cases in the media. Not surprisingly, there are lawyers busily undertaking roles in relation to the prosecution or defence, or development of statements of claim or responding material, across the community. They are relying on the rest of the legal structure in which they work.

In any event, getting back to my first point, this bill came before the house as a result of the commissioner identifying that, in anticipation of some persons about to be charged with sexual abuse offences, he may be called upon to answer a subpoena (himself personally, or members of his staff), to attend a court or, in the alternative, to produce documents in the possession of the commission which have been an integral part of the work of his inquiry. Quite rightly, he brings this matter to the attention of the government and seeks some legislative protection against that occurring. To the extent of the request being for protection against being called up to give evidence, the opposition has made it absolutely clear that we support that position. The opposition has also made clear that it supports the protection of documents that have been produced in the course of the inquiry.

The opposition foreshadowed an amendment, which, as the principal speaker has concluded her contribution, I indicate we will not be proceeding with. It was foreshadowed in another place when the matter was first debated that we would introduce an amendment to narrow the ambit of request by the commissioner, as was representative in the legislation before us, to deal only with documents that had been produced for the purpose of the inquiry. With the government's indication that it would amend its bill to restrict that somewhat and ensure that we have some protection against capturing all documents, and as a result of the Independent members in another place having indicated that they would only support the government's position and not go so far as supporting the opposition's position, that amendment was not pursued. We can count in the lower house and, given the government's position that it will maintain the original bill with its amendment, there is little point in our pressing further.

It is ironic that in South Australia the commissioner in this inquiry happens, in his judicial career, to be somewhat of an authority in case law in relation to the production of subpoenaed material and the importance of its being available for the purpose of persons receiving a fair and just hearing or trial. As a judge he has certainly been quick to move to ensure that his judgments reinforce the protection in those circumstances,

but for the reasons outlined seems to have been quick to abandon that important measure when it comes to the protection of documents in his inquiry.

Herein lies the problem. Notwithstanding the best efforts of the commission and the apparent indication by it that it would be alerted to the possibility of this occurring, we are left with a position where, under the current bill, the protection would be extended to documents which could otherwise be mischievously placed with the commission. The plight of many of those appearing and the integrity of the commissioner are not matters we question in relation to what they are looking to achieve and the results they are looking to find, but, when we create these inquiries and clothe them with all these protections, effectively we can provide a sanctuary for some who may wish to conceal documents. That was the concern raised in the other place and it is important we place it on the record here. It is particularly important for this reason: we know now that the scope of those who have made submissions to this inquiry are not just people who claim to have been subjected to sexual abuse themselves, but the very representatives of institutions under the microscope in this inquiry have also presented material.

One of the terms of reference is the records and record keeping of institutions and the state's responsibility that might arise out of that and, of course, that is a matter on which the commissioner has been asked to report. So, records for which there may be no retained copy could be placed with the commission, which would be inalienable to anyone seeking relief in a civil or a criminal court. That smacks of a potential problem. For example, one area may relate to records of an orphanage that may be placed with the commission. The second area that is of great concern is that, of the hundreds of people who have come forward and who claim to have been victims of sexual abuse, they also could have been perpetrators of abuse. We know the sad history that those who perpetrate abuse are often victims themselves. What documents may they be advised to park in this inquiry? They are our concerns, but otherwise we support the government.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I thank all honourable members for their contributions to this debate. We are grateful for the support of those opposite. Of course, all the cautions and warnings that have been issued around this piece of legislation—and, indeed, the bill that we now promote to amend the commission of inquiry act—are taken note of and acknowledged. This is an extraordinary inquiry in many respects, and the bill that we now promote to the house also clothes the commission in some extraordinary powers to resist subpoenas. One needs to bear steadily in mind the purpose of the original inquiry and the difficulties that otherwise would be presented in getting to the bottom of this most difficult issue of child sexual abuse. We know that people simply will not come forward to these inquiries unless they can be provided with a guarantee of confidentiality. For entirely appropriate reasons, the traditional response that we have offered victims of child sexual abuse has been a relatively rigorous analysis of the evidence of the accused person, which, for many, can feel like a process of re-abuse.

The process of telling one's story to a relevant investigative authority and being tested about it to see whether it might amount to a prosecution can be a massive deterrent towards coming forward and, indeed, the rate of conviction in relation to sexual abuse offences is a massive deterrent to people coming forward. If we are ever to get to the bottom of these most vexing questions within the community, an extraordinary inquiry of this sort is necessary to allow us to deal with those issues.

There are extraordinary powers in this new commission, but they are necessary for this inquiry to be a success. I want to remind the house of the success of the inquiry to date. Even before any final report has been tendered by this commission of inquiry, we know that at least two things have happened. Some 97 files have been presented to the police for charging in circumstances that may never have come near the courts, because of the nature of the forum that has been created by the commission of inquiry. Secondly, the 875 (I understand) people who have come before the inquiry and the 400-odd people who have been through the processes of the inquiry, almost without exception, report that the method that has been adopted by the inquiry in listening to and respecting their stories has been part of the healing process.

We know that this inquiry is already succeeding in many ways, even before it has promulgated its final report. It is crucial that we protect the integrity of the inquiry. It does require us to do some unprecedented things in relation to clothing the inquiry with authority but, in these limited circumstances, the inquiry, in my respectful submission, should be given these extraordinary powers. We thank all members for their contribution.

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

TOBACCO PRODUCTS REGULATION (PROHIBITED TOBACCO PRODUCTS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 20 June. Page 643.)

Ms CHAPMAN (Deputy Leader of the Opposition): The opposition supports this bill, which is designed to ensure that we minimise exposure of cigarettes to young women, particularly, who appear to be the target of marketing in relation to this product, and specifically to close a loophole to prevent the targeting of young people by manufacturers. The bill provides that in relation to prohibited tobacco products the minister must not make a declaration under subsection (1) unless he is satisfied, (a), that the tobacco products or the smoke of the products possess a distinctive fruity, sweet or confectionary-like character and, (b), that the nature of the products or the way they are advertised might encourage young people to smoke. In other words, he has power to allow tobacco products unless they come into this category.

It seems to me that under the proposed legislation the minister has to be satisfied that they have this particular flavour or sweetness and, in addition, that they are designed in some way to encourage young people to smoke. It is not an 'either or' but 'both'. I am not an expert on this, but I am told that this class of tobacco products is designed to appeal to young people, particularly women. This matter first came to the attention of the health authorities last year. Flavoured cigarettes arguably can be compared to the push to have young women in particular, again, attracted to and marketed to consume pre-mix spirits, which are usually added to some sweet soft drink to encourage their consumption but which can be somewhat lethal in relation to the level of their alcohol content. Apparently, they are very popular and one can only

imagine the consequences of quickly ingesting cordial-flavoured alcoholic beverages, which intoxicate at a very high rate; deceptively so, when compared with other alcoholic beverages.

In a similar vein, this legislation is designed to prevent this problem. I am informed by the Hon. Michelle Lensink, the opposition spokesperson on substance abuse in the other place (she does an excellent job, I might add) that these cigarettes are not yet widely available in South Australia. Obviously, the government seeks to close the door before they are. I was told recently that one can now—this may have been the case for some time—purchase cigarettes on the internet. I think the web site is www.cheapsmokes.com or something similar. I have never looked at this web site, but apparently you can buy imported cigarettes for $50 a carton. When compared to the cost of cigarettes in a supermarket or any other outlet, this price is considerably less than the market value.

We need to look carefully at the accessibility to cigarettes on the internet, because this is another way in which the market is able to target young people. If we try to pass legislation to give ministers the power to restrict this access, it will be open to abuse. All of this is designed to ensure that young people do not take up the habit and become addicted, with all the health consequences which, as we clearly know, exist. Beyond the simple regulation of what is able to be sold in the category of fruity, sweet, confectionery-style cigarettes, we need to look at the accessibility to cigarettes (illegally or not) through the internet.

I also think it is important to consider regulating the display of tobacco products. The former minister for health (in, I think, 2004) decided not to proceed with regulating the display of tobacco products at point of sale in a bill that she introduced to the parliament but, in all other respects, that bill was progressed. We need to look at all other aspects in relation to the sale of tobacco products where the target is the younger generation, as this bill is designed to protect young people as well as we can. As long as these products are legal, it is important that we accept that the government is limited in being able to place effective measures on access to and consumption of drugs, and as long as they remain legal that will be the case.

Within the past 24 hours I read an article in *The Advertiser* relating to the use of sniffer dogs to determine whether young people have drugs in their possession when entering or leaving nightclubs. This is an interesting initiative, and it should be looked at. If the government supports it, we will look at how this might be an effective and positive measure in reducing the consumption of drugs by young people at nightclubs. In addition to smoking, they can consume alcohol and take illicit drugs, and this is obviously a matter of concern.

It is somewhat inconsistent that when the opposition announced an initiative to make sniffer dogs available at call to go through schools to ensure that drugs were not on young people (which is a known place where drugs are exchanged) it brought some outcry from the government; but, nevertheless, that is a matter which the opposition would say is an important aspect we need to consider. Nightclubs, of course, can be a place of exchange and consumption of all sorts of things dangerous to young people, and that includes alcohol. I have raised before in this parliament but it remains a matter of concern that these places are licensed to sell alcohol.

They have a clear responsibility not to enable alcohol to be sold to persons under the age of 18 years, yet during estimates in this very house we heard the Liquor Licensing Commissioner tell the committee of this parliament that, in the ten or 11 years he has been the commissioner, not one licence has been withdrawn from known places in Adelaide where alcohol is available to young people. It is all very well to pass laws and regulations—and we are debating another today—in the hopeful expectation that we will protect young people against those carnivorous advertisers who are employed by the people who own and have interests in the manufacture, distribution and sale of cigarettes.

Unless you are prepared to be serious about the enforcement of these matters (which has not been the case, I think, with all alcohol and drug management), and in this case smoking and young people and its enforcement, it will be of no benefit our spending time on it in this parliament. Notwithstanding that, we indicate our support of the matter in the hopeful expectation that it will be followed through, and that this will be of benefit to our young people.

The Hon. L. STEVENS (Little Para): I support the bill. I recognise that this is another measure—added to a range of measures introduced in 2004—to reduce the uptake of smoking by young people. I must say that the zeal of tobacco companies to subvert and get around legislation in terms of preventing the sale and attractiveness of their product to young people should never be underestimated. I understand that fruit-flavoured tobacco products (which are certainly making an impact in the United States) are yet to be on sale here. However, that just indicates how they continue to be creative and find ways of getting their product in an attractive form to entice young people into a habit that, once established, they know will be very difficult to give up.

Obviously, I support the bill. It is interesting, too, that if we add this measure to those which have been introduced since 2004, South Australia has extended previous legislation now to include bans on the sale or supply of tobacco to a child under the age of 18 years of age. Also, employer liability for sales to minors and requirements to ask for proof of age, for tobacco products to be sold only in packets with prescribed health warnings and containing 20 or more cigarettes, bans on the sale of toy or confectionary cigarettes, bans on tobacco advertising in public places in retail outlets, bans on mobile display units, bans on offering tobacco as a gift or free sample to members of the public, restriction of vending machines to one only in licensed premises, detailed tobacco merchant licence conditions and introduction of expiation fees for breaches.

We add this particular measure today. All these things, as well as the removal of exemptions to smoke-free dining, plus smoke-free enclosed workplaces and enclosed public spaces, have been put in place by the Rann Labor government throughout the last parliament, and this is the first measure in its new term of office. Of course, there is a lot more work to be done, including the issue of point of sale advertising, to which the deputy leader referred and with which we did not proceed in the last government. We were looking for a national approach to this particular issue and it still needs to be carried through. I am sure that the minister will do this—as is being done in all other states of Australia.

In relation to the issue of tobacco companies and others who would wish to disguise health messages to make products more attractive, particularly to young people, I briefly refer to the matter of the cigarette packet coverings that were discussed in the media some weeks ago. It is amazing that a company or a business could contemplate

making covers for cigarette packets to hide the health warnings that were introduced earlier this year. At that time, Mr Christopher Pyne, who is parliamentary secretary to the federal Minister for Health and has responsibility for smoking, indicated that he would move quickly to see that this move to undermine the intent of the federal legislation would be quickly stopped. I will watch with interest.

Mr Pyne is often quick to make demands of state governments on a range of issues. He has indicated that is what he himself will do. We need to watch with interest. Certainly, I hope that the opposition will watch with interest to ensure that Mr Pyne follows through on what he said he would do to ensure that the coverings, which are now on sale and which will neatly cover the health warnings on cigarette packets with depictions of football players in Crows and Power colours, will be declared illegal.

I support the bill and encourage the minister to continue to bring forward other measures. Even though we have had a substantial decrease in the prevalence of smoking in people aged 15 to 29 years in South Australia—we had a decrease of 6.2 per cent from 2004 to 2005—it is true to say that is not a uniform decrease. In some sections of our community the smoking rate for young people would be much greater than that. The average is now 21.7 per cent—which is pleasing—but there is a lot more work to do with particular groups within our community. I encourage the minister to continue with further measures, in particular the point of sale issue which we had to postpone about a year ago. I hope she will continue with that to ensure that we do the best we can in South Australia to reduce smoking rates, particularly among young people.

The Hon. J.D. HILL (Minister for Health): I thank members. I take it that the house is unanimous in its support for this legislation. I thank all members for that and I thank those members who have contributed. Whilst I am on my feet, I also thank parliamentary counsel and the departmental officers who have prepared this piece of legislation. It is a relatively simple piece of legislation which will ban a product which has the potential to attract to smoking young people who otherwise may not have considered it as an option. I think that we have to do everything we possibly can to stop young people taking up the habit of smoking—sadly, enough of them take it up, anyway. Of course, there are a whole lot of other things which we need to do, but this is just one element which helps protect our kids. As I say, I thank members for their support.

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

ADJOURNMENT

At 5.42 p.m. the house adjourned until Thursday 29 June at 10.30 a.m.