HOUSE OF ASSEMBLY

Thursday 31 May 2007

The SPEAKER (Hon. J.J. Snelling) took the chair at 10.30 a.m. and read prayers.

LOCAL GOVERNMENT (AUDITOR-GENERAL) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Local Government Act 1999. Read a first time.

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

That this bill be now read a second time.

Members may have a sense of deja vu today, but that may be because of the recent proroguing of the parliament. I believe that this bill has a lot of merit, otherwise I would not be introducing it. It is not an attack on or criticism of local government per se. It seeks to give the Auditor-General oversight of the financial affairs of councils. It does not add another layer of bureaucracy because, as members would understand, the Auditor-General does not physically carry out audits at the moment; he subcontracts them out in the main for government departments, and this would be extending that practice to local government but, importantly, having the reporting done in a format which is consistent and allows comparisons between councils and across the whole local government sector.

I would invite members, when they need something to help put them to sleep, to have a look at the annual reports of councils. I have had a look at all metropolitan reports, but I must confess that I have not seen all the country ones. They are very interesting, but they do not provide an easy format to compare how a particular council is performing in a financial sense. They provide a lot of interesting information; for example, the City of Marion's annual report will tell you that they find out what their staff eat and they do a nutritional analysis—which I do not have a problem with—and there is a lot of other interesting information in the annual reports. But I challenge any member of parliament, or any citizen, ratepayer or resident, to tell me how their council is performing financially against any financial benchmark compared with another council, or with any other benchmark they want to provide. In our society I think that is a basic standard that should be required.

I am not saying the current audits of councils do not conform to the accounting standard—they do; they are required to by law. I am saying that the format in which they are presented does not allow for a comparison between councils or, indeed, in my view, with a particular council. Nor does it provide easy, understandable information about financial enterprises in which councils may be involved. I can publicly reveal that I took advice from the Auditor-General, and he kindly gave me some advice in terms of the wording, and I also listened to people in local government, as well as to some of the members in this place.

This bill not only gives the Auditor-General authority in an overall sense in regard to the auditing of council accounts, but it also allows the Economic and Finance Committee of the parliament to inquire into, consider and report on any matter concerning an audit conducted under the aegis of the Auditor-General. I think that is very important, and a lot of people have been calling for it for a long time. Once again, I am not envisaging that every council will appear before the Economic and Finance Committee, but the very fact of both the Auditor-General and the Economic and Finance Committee having oversight will, I think, certainly reduce the likelihood of any council or council officers doing the wrong thing when it comes to financial matters. I repeat: I am not suggesting that local government officers are financially bad managers. I am saying that I think the system can be improved. I was involved in local government many years ago in the City of Mitcham, and I think some people have heard this example: when I was a member, the outgoing CEO was given a Holden Berlina as a gift by the council—which I thought was fairly generous. However, we were all required, under the council rules—in fact, under threat of legal action—not to disclose to anyone that the outgoing CEO was receiving that gift. To this day that has remained confidential.

Mr Venning interjecting:

The Hon. R.B. SUCH: I have. The other aspect of which I became aware—really by rumour—was that there were things going on at Centennial Park Cemetery which were not appropriate. I am not talking about the current situation under Bryan Elliott—I think they are running a very good ship—but it has taken me nearly 10 years to get the audit report done by private auditors of the financial affairs of Centennial Park of about 10 years ago. When I first requested that audit report, I was told it was not available; that they could not find it. I knew it existed and, after nearly 10 years, I finally got most of it. I have not got all of it because they say they cannot find all of it. What it tells us is that the manager of the day was given a Saab of his choice—I think at that time, from memory, something like $57 000 worth. His wife received a Saab of her choice as well. I do not know why they were particularly keen on Swedish cars, but they were. The honorary historian also received a Saab worth a similar amount.

There were other practices going on there which are probably not so worrying in terms of the finances: abuses relating to crayfish suppers and the way in which they were delivered to members and so on, and nearly all the members took trips around the world to look at how people were buried in icebound countries (which I did not see as having much relevance in South Australia).

I use that as an example. I believe that Centennial Park is now being run very well by Bryan Elliott and the board, and it is under the ownership and control of Mitcham and Unley councils. However, I make that point because, in discussing this bill with the Auditor-General, he said there was no way he could have uncovered that because he did not have an entitlement to look at the books of the businesses of any council. Members will recall the issue of the Port Adelaide flower farm years ago, when a council got into a lot of strife by indulging in business activities in which it should not have indulged—and there would be other examples.

I am not saying that is typical of all local government bodies; it is not, and it would be unfair to suggest that it was. The point is that at the moment there is no simple way to discover what is happening with local government enterprises—or, indeed, as I said earlier, of providing a comparison between councils' performance. My argument is that if you have nothing to hide why would you be worried about the Auditor-General having oversight? As I have indicated previously, the Auditor-General would use private contractors, and there is no reason why he could not use the current auditors of councils—but they would report in a format that

the Auditor-General would specify to enable the comparison to be made. Mayors, including Tony Zappia, have indicated their strong support for this measure, as indeed have governments in Queensland, Western Australia and Victoria. I believe that New South Wales is looking closely at a similar measure (if it has not already adopted it).

I believe this proposal is worth adopting. I think the status of local government would ultimately improve because it would be seen to be open, accountable and transparent in its operations. I have a lot of respect for people in local government; the volunteer, unpaid elected members put in a lot of time. For example, the bushfire PAR for the Adelaide Hills was 600 pages (I guess some members have seen it), and the recently released City of Onkaparinga PAR was another 600 pages. Elected members are paid a small allowance to do what is an incredibly difficult and time-consuming job. I pay tribute to those people and to the CEOs and other people within local government who are, in my experience, committed and decent professional staff. I am not in any way reflecting on them. However, the universities were, a few years ago, brought under the umbrella of the Auditor-General and I do not see that it has harmed them in any way; I think it has actually added to their standing in the community. The universities used to be exempt from the Auditor-General's oversight but they now fall within it, and I think it has been to their benefit and the benefit of the whole community.

In putting this measure before the house, I repeat that it does include a provision for the Economic and Finance Committee to inquire into matters relating to the audit if they so wish, but it does not mean that the committee would call in every council—that would be unnecessary, in my view. However, if there were matters that needed to be explored then I believe the Economic and Finance Committee is the appropriate body to do that. I commend this bill to the house. I believe it deserves support, and I trust it will receive speedy passage.

The Hon. S.W. KEY secured the adjournment of the debate.

Mr VENNING: I rise on a point of order, Mr President. Would you clarify that, when a bill is introduced by an Independent member of parliament, just because he sits on this side of the house does that actually mean the debate has to go to the other side? I would have liked to speak to that motion and I was denied.

The SPEAKER: Under standing orders a bill, once introduced, has to be adjourned, so all the member for Schubert could have done was adjourn the debate; he could not have spoken to it. However, the honourable member is correct. The tradition of passing from one side of the house to the other becomes a little more complicated, I guess, when it involves an Independent member.

I remind the member for Schubert that it is a very great tradition in this chamber that the decision regarding who catches the eye of the Speaker is entirely up to the Speaker. He may, perhaps, like to look at speaker Gunn's decisions on that. He was very determined that whoever caught his eye was entirely a matter involving the Speaker's decision and not to be questioned by anyone.

SPENT CONVICTIONS BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to encourage the rehabilitation of offenders by providing that certain convictions will become spent on completion of a period of crime-free behaviour; and for other purposes. Read a first time.

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

That this bill be now read a second time.

This measure has been around for a while, but sadly we have not got it through the parliament. I do not need to spend a long time reintroducing it, but I urge members to consider speedy passage for this measure. A lot of people in the community—and I am sure that every member in here has been contacted by some—in earlier days did something silly which now prevents them from getting on with their life. For some people, it can mean that they cannot visit relatives in the United States. I heard of a very sad case some years ago of a young lad who was a Catholic worker and a fantastic person and who hanged himself because he felt he would never be able to achieve anything. That has devastated that family and it was a tragic loss of a fine young person. As a teenager he was given the boss's credit card to go to the shop and, instead of buying something just for the boss, he bought something for himself. He repaid it basically the next day, but he ended up with a black mark against his name which prevented him from doing what he wanted in life in regard to working in the security industry. At that time, he put in a special plea to the then attorney-general, Trevor Griffin, who said that he was unable to do anything, so the lad took his own life.

Members would not be surprised to know that thousands of people come within the ambit of this legislation where they have done something very minor. We are talking about very minor offences; we are not talking about armed robbery or anything of that nature. The bill defines a minor offence as follows:

> . . . any offence other than an offence in relation to which the convicted person is sentenced to imprisonment for an indeterminate term, or for a term exceeding three months (whether or not the sentence is suspended), or is ordered to pay a fine exceeding $2 500;

The bill contains a lot of safeguards. For example, if a person had engaged in behaviour which had been in the category of an assault, that matter would not automatically be disregarded in respect of a spent conviction, and there would be some situations where a person could not have a conviction spent or overlooked if the employment they were seeking had some significance in relation to the offence that they had committed. In terms of the spent convictions and the time period that they have to allow before the conviction can be regarded as spent, if the person was found guilty of the offence without a conviction being recorded, it is two years; if the conviction was recorded in relation to the offence, if the person was under 18 years of age at the time of the commission of the offence, it is five years; or in any other case, it is 10 years. As I say, it does not apply for serious offences and, where there is a grey area, for example if some young lads and young women had engaged in a bit of rough and tumble outside a pub after they had had a few drinks, it would have to be considered by the court on special application to determine whether it came within the spirit and letter of this bill.

I have been contacted over the years by many people, including people currently active in the various churches, who say they have a stain on their life and they want to get it off because they want to move on. These are people who have done silly things, even 30 or 40 years ago, which were not in the nature of serious crime but a stupid mistake, and I do not think that as a progressive society we should continue to hold that over their head day after day throughout

their life. I know the Attorney was undertaking an investigation or a study into this matter, although I do not know where that is at.

The Hon. M.J. Atkinson: I'm with you, Bob.

The Hon. R.B. SUCH: Good. I was very heartened to hear a lot of support from Liberal members in another place for this measure as well. I think we could expedite this and bring about closure for a lot of people who have shown not only over two, five or 10 years, but over 30, 40 or 50 years, that they are decent law-abiding citizens. Sure, they made a mistake and did something silly, but let's get their record struck off if it is a minor thing, as has been done in other jurisdictions; even the commonwealth has a provision allowing for this. I urge members to support the bill. Let us see if we can bring about closure for thousands of South Australians who may have done a silly thing in the past and have ended up in the court system but who are not really criminals. It is time to clear their slate and let them get on with their life. I commend the bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

VOLUNTARY EUTHANASIA BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to provide for the administration of medical procedures to assist the death of a limited number of patients who are in the terminal phase of a terminal illness, who are suffering unbearable pain and who have expressed a desire for the procedures subject to appropriate safeguards; and for other purposes. Read a first time.

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

That this bill be now read a second time.

This is a very important measure and, I know, a controversial one for many people, as there are those in our community who do not agree with it because of religious or other strongly held views, and I respect those. In drafting this bill, (and it has significant differences from the bills that have been presented to parliament on behalf of the Hon. Sandra Kanck and by me in this place), it differs in significant ways. However, I still acknowledge the work done by not only the Hon. Sandra Kanck but also by people in the past, such as John Quirke and others, who sought to introduce a voluntary euthanasia bill into this house.

What this bill does is allow people who, within their own conscience and religious beliefs, agree with voluntary euthanasia. It does not require anyone to participate who has an objection, either as a patient or as a professional. No-one is required to be involved in any way, shape or form if they disagree with the principle or concept of voluntary euthanasia. This bill is based on very tight safeguards. Some people say that you can never ensure that humans will not do something they should not; I agree—you cannot. You would be fooling yourself if you said that every law passed by this or any other parliament would always be perfect in its application; it will not be. However, I have sought to make this bill as tight as I possibly can, and I have had very good legal advice.

The reason the long title states 'a limited number of patients' is that, in reality, this measure is limited to those who are in the terminal phase of a terminal illness. So, you could not access this provision simply because you were crippled and did not want to live. One chap contacted me who said that he was 30 and did not want to go on living. I said that my bill was not about that and that I was not in the business of people who just do not want to live. This is about people who are dying, who are in the final stage of a terminal illness and who are suffering unbearable pain. Most people do not suffer unbearable pain, but a small percentage of people do, and that is why the focus is on a limited number.

There are fantastic palliative care provisions today but, sadly, they do not cover every illness. Some people have illnesses such as motor neurone disease, which is a shockingly cruel disease, and people literally scream to be put out of their misery because of the pain of the disease. Some cancers of the head and bone can be extremely painful to the point where people are crying out to be, basically, killed. I do not believe that in a civilised society—one based on compassion, where the majority of people uphold the Christian concept of love and so on—we should allow these people (and there may be only 5, 6 or a dozen in South Australia) to suffer that unbearable pain if, according to their religious belief and conscience, they want to end their life.

This bill requires two independent medical practitioners to assess the patient, and it requires two independent witnesses. One of the safeguards I have put in is that any witness cannot benefit financially from the estate of the person who seeks voluntary euthanasia. The reason for that is that many people have said that, with voluntary euthanasia, people will be getting rid of relatives in order to get their hands on the estate. Under this bill, if you are an independent witness, you cannot benefit from the estate.

My bill does not provide for advance requests, so you cannot say, 'If I become a vegetable, I want to be put down.' That was in the Dignity in Dying Bill, but it is not in mine. In my bill, you must be fully aware, and conscious of the decision you are making, to exercise a request for voluntary euthanasia. Some people are critical of that and say that I have made it very tight; I have done so deliberately because I believe that the people who are critical of this measure argue that on the ground of safeguards. I have had many debates with the Hon. Andrew Evans, who says that his objection is not religious but on the ground of safeguards. My challenge to him and to others is: if you do not think I have enough safeguards in here, they are not tight enough, or they are not the correct ones, you tell me what they are and I will put them in.

This bill also puts an additional person on the monitoring committee—a representative of the disability services sector. In the previous bill, the proposed voluntary euthanasia monitoring committee had people from the AMA, the Law Society, the Palliative Care Council, and so on. I have added someone from the disability sector as a representative. I was on the Social Development Committee that inquired into voluntary euthanasia, and that committee heard from various people. I recall one senior clergyman saying that pain was not necessarily a bad thing (I think that he was thinking of Daniel in the Old Testament). However, my view is that pain is not good. Some people may think it is good for someone else, but I do not think pain is good for anyone—not the sort of pain of people with motor neurone disease, bone cancer or cancer of the brain. I do not think that is the sort of pain we would want inflicted on anyone.

At the same time, shortly after that hearing, two of the wonderful nuns from Mary Potter Hospice came up to me, and one held me by the arm and said, 'Look, we're in the real world. It's a grey area. It's not quite as black and white as you might have heard this morning.' I thought that was a very telling comment from the nuns who are caring for the dying

in Mary Potter Hospice. It is a grey area. I acknowledge that within the churches—and it is principally those within the Catholic Church and the Lutheran Church who—

The Hon. M.J. Atkinson interjecting:

The Hon. R.B. SUCH: —and some of the fundamentalists, yes, and the Greek Orthodox in particular—object to voluntary euthanasia. Some of them say, 'Look, we don't have an objection if you stop artificially prolonging the life of the patient.' I am not quibbling with them about that. At the moment, we do have termination of life by medical practitioners. They will not go public because they do not want to be prosecuted. Why would a doctor come out and say, 'Look, I helped end the life of the patient', because at the moment they could be subject to criminal prosecution? But it is a grey area, and I do not think it should be. I think it should be quite clear that, when you are dealing with something like the ending of a life, it should not be behind closed doors and it should not be a grey area. You can end a life by increasing the pain treatment level.

Ask any qualified medico, and they can tell you that they can bump up the pain relief to a point where the person is not likely to live. The same consequence (although they are doing it for a different purpose) can be done with chemotherapy. The chemotherapy could well kill the person also. People within some of the churches would argue that it comes down to intent, that the doctor is not trying to kill the patient by giving a high dose of painkiller, not trying to kill the patient by giving them additional chemotherapy. I am saying that the grey area that occurs now—wink-wink, nod-nod—is not good. It is not desirable for the practitioners, it is not desirable for the professionals, and it is not desirable for the public at large. It is not desirable for those poor souls who suffer in agony in their last days, weeks or months on this earth. I do not think that we should countenance a system where we allow people to die in agony.

I say to those—and I respect their views—who argue against voluntary euthanasia on the grounds of their Christian belief, where in Christianity is there some opposition to the notion of compassion or love for one's fellow human beings to reduce or eliminate their suffering?

The Hon. M.J. Atkinson: There is a prohibition on killing in the Ten Commandments.

The Hon. R.B. SUCH: The Attorney talks about the Ten Commandments, but he could also reflect on a reasonable interpretation of the Bible, which is that there is a god of love, not just a god of anger and pain. This matter of personal choice to end one's life when the dignity has gone out of it is very important. The latest Newspoll of February this year revealed that 80 per cent of Australians support it. That means that a lot of people within the Catholic faith, the Lutheran faith and Assemblies of God must support it. If you do your arithmetic, I think the members of those faiths add up to more than 20 per cent in Australia. Of the population, 80 per cent supports the right to end their life if they are at a point where their pain cannot be treated and they are in absolute agony.

I know of recent cases—and I will not give their names—who have been absolutely traumatised by seeing a loved one in agony, in the last few weeks, screaming out and seeking to be put down. We put down animals because we are not allowed to let them suffer, but we allow humans to suffer. What a strange approach that is to the quality and dignity of life. There are many medical practitioners who support voluntary euthanasia, and there are many who do not. I was talking to one recently, a retired professor of gynaecology and obstetrics, and he said that he was not particularly focused on this issue until he found himself dealing with a lot of women who had cervical cancer, and the agony of these women changed his attitude. The Attorney-General in Western Australia, Mr McGinty, was moved to changed his attitude because of a lad in his 20s who died in agony in Western Australia. The lad's mother campaigned for a change in the law. They were moving to change the law so that professional people who were involved in ending a life could not be prosecuted, which is another way of achieving the same goal.

The measures in the bill that I have put before the house are very constrained in terms of who can access them. As I say, it might be only three, four or a dozen people in South Australia a year, but every one of those people is important to me, and I do not want to see anyone suffer unnecessarily. Life should be about dignity and quality: it should not be about pain and suffering. I believe strongly that individuals should have the right to decide if they have reached a point where the pain is unbearable. We are not talking about depressed people, we are not talking about people who may be crippled. We are talking about people who are terminally ill, who know they dying, and who choose to end their life in a dignified way.

In this bill I have built in a whole lot of safeguards which I think are very tight. The term 'advanced request' is not in. The term 'hopelessly ill' is not in here. It is specific to the terminal phase of a terminal illness and people suffering unbearable pain. It is not the term 'hopelessly ill', which was in the previous bill which was introduced in the upper house and briefly here. I am not critical of those former attempts. I think that they were worthwhile. What we have at the moment is people travelling overseas to places such as Switzerland to exercise their right on their life because they cannot do it in South Australia. I commend the bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

PARLIAMENTARY COMMITTEES (FORESIGHT COMMITTEE) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Parliamentary Committees Act 1991. Read a first time.

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

That this bill be now read a second time.

I will be exceptionally brief. This is to add to our current range of committees and it is based on a concept adopted by the Blair government, although they do it in a different way. In England, in order to look in advance at issues which might confront the UK, they have set up a foresight committee. It is not part of the House of Commons, but it does the same sort of thing. It tries to look five, 10, 15 years down the track at issues which will confront us such as the ageing of the population. It could even be things such as water shortages—I see the minister is in here—population, science, developments in science and technology. I do not know whether members realise but, with development in nanotechnology, the next 20 years will see a different world altogether. It will be totally changed in relation to things such as electricity and all sorts of things which will affect our lifestyle.

It is not wishful thinking, but if members talk to people such as Professor Clarke from the university, he will tell them that, theoretically, people will be able to live forever because

we will be able to regenerate organs. That means that, sadly, I could be around for a long time—hopefully, not introducing more motions or bills! People might think that this is science fiction, but what will be the consequence of people living maybe not forever but, say, 400 or 500 years? The impact would be dramatic and significant. What will be the impact of new ways of transmitting electricity more efficiently and more effectively? There will be new developments in things such as desalination. At the moment they are working on new techniques for desalination which might make the current reverse osmosis process obsolete.

What I am trying to say is that, with the current committees—and I am not being critical of them—in effect, they are always looking at today's issue or yesterday's event. We do not look far enough into the future. We do not look at what will happen in the future and try to do something about it. I am not suggesting that this committee would have a crystal ball. It is not tarot card reading or fortune telling: it is based on science and credible information about what will happen in the future and how we will deal with it. We know that we have an ageing population. How well equipped are we, in terms of care, to deal with a population that is ageing? In the future, it is not in the realm of science fiction to imagine that we will have people working into their 80s and 90s and, if you can regenerate organs, you will be able to have people working basically ad infinitum.

Mr Griffiths interjecting:

The Hon. R.B. SUCH: The member for Goyder suggests that some people might need plastic surgery—that is very unkind. We are talking about internal organs being renewed. Population changes, not just demographics in terms of age profile and economic trends, will impact on us. For example, the mining industry boom is about to happen in South Australia. How well equipped are we to deal with that in terms of training, education and housing developments? The committees we have now by their very nature tend to be looking at current issues or past mistakes. Ministers by the very nature of their work rarely have the opportunity to sit in a lounge chair and say, 'What will come into my department's responsibilities in 10 or 15 years?' It does not happen. If you are a minister doing your job, you have barely time to go to the toilet—and I speak from experience, and I guess other ministers and past ministers would agree with me. If you are a minister, you do not have time to look at the big issues and the future challenges for South Australia.

I think this would be a very good investment for our parliament. I am suggesting a very small committee of six. It can draw in people from outside, so that it can bring in people from the community to give evidence and draw on the best brains in the community—and we have some fantastically talented people in South Australia and the rest of Australia. We could bring them in and start preparing for some of these things so that we will not be caught out like we have been caught out with the drought and like we are starting to get caught out in terms of treating people for illnesses because they are living longer—and we can see the impact of that on our hospital and medical system.

I urge members to support this measure. As I say, it is based on a very successful approach in the United Kingdom by the Blair government. They have it based in the Public Service. I think it is better to have it based in the parliament. Japan does it. Germany has a similar forward-looking committee. Obviously the details and the way in which it is structured will vary from country to country, but the progressive countries have this sort of measure. They look to the future and try to deal with issues before the issues overwhelm them. So I ask members to support this bill. I think it would return many times to the community any minor cost that goes into it, and I think we (as well as our children and grandchildren) would see the benefit of being able to look to the future and deal with issues in the way I have explained. I urge members to support this bill.

Mrs GERAGHTY secured the adjournment of the debate.

GRAFFITI CONTROL (SALE OF GRAFFITI IMPLEMENTS) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Graffiti Control Act 2001. Read a first time.

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

That this bill be now read a second time.

The reason for the slight confusion is that there are two bills dealing with the same topic. This first bill relates to the sale of graffiti implements and is designed to choke off the supply of graffiti implements to people who should not have access to them. It deals with the sale of wide-tipped marker pens more than 5 millimetres wide and with the sale of spray cans. It requires that a person purchasing these items must show ID and give their name and address, and details are to be kept.

Mrs Geraghty interjecting:

The Hon. R.B. SUCH: Yes. Under 18 years you are not supposed to have them, anyway. The reason for this measure is to allow people who legitimately have a need for a spray can to have one. They may be doing craft work, or it might be the member for Schubert who is highlighting one of his many antique cars. So, it is designed to allow people such as the member for Schubert who have a legitimate use for a spray can to get one, but to make it more difficult for those who are going to use it for improper and illegal purposes. The bill provides a mechanism whereby the cans are identifiable, so that if someone has a can and they use it for the wrong purpose it can be traced. The information which is kept is available to the Commissioner of Police and any other authorised person, so the minister could authorise a council inspector to have access as well.

So, in essence, this is to choke off, as best I can determine, access to cans and broad felt pens that will be misused. I am not naive enough to think that you can totally stop people who are going to use these items for the wrong purpose from acquiring them, because people are going to bring them in from interstate, but this measure will certainly help. I have asked various councils to comment on it. The Mitcham council suggested that 5 millimetres is too wide and it should be narrower, but if you get down to the very fine point texta pen I think that is becoming a little onerous, and they tend not to be used a lot for tagging. It is more the wide-tipped marker pen which is used for that purpose.

People might wonder why I keep pushing this issue, which I have taken up since I attended the world conference in 1990 in Melbourne. Recent figures out of Sydney show that graffiti vandalism is costing $25 million a year for Newcastle, Sydney and Wollongong. Here, I would say it is costing $5 million. That is basically in Adelaide. There is very little graffiti in country areas because country people seem to be a bit more sensible. It is costing the City of Onkaparinga over half a million dollars a year and TransAdelaide spends $1 million a year. It is not only spray cans, of course. Every

window in every train has been vandalised so you cannot see out of them. Some people say, 'At least they are not robbing banks.' I think that is a stupid argument. That is a bit like saying, 'Someone bashed me up, but at least they didn't kill me.' The damage and the cost occasioned by graffiti is no different to the damage and cost involving theft. I notice in today's paper that the Unley council is going to provide a legal site, and I do not have a problem with that.

If people want to do graffiti and obtain permission, that is fine. But if graffiti is so good, why don't people do it on their own property? They do not; they do it on public and private property. It looks terrible. When tourists come into Adelaide it looks like Hicksville. When you come through Salisbury or the Adelaide Hills it looks like some rundown joint. The graffiti is no better now than it was years ago. I know the government has run a program down south and is about to run one out north to get offenders to do a bit of a clean-off. We really need to get onto this issue; it is pathetic that we have people who vandalise.

It is not only youngsters; many of them are older people. A guy was convicted in Victoria recently having done $700 000 damage, and a magistrate said he should go to gaol but he would get a community work order, which means picking up ice cream papers. That is farcical. The courts here are not much better; they do not take this issue seriously enough. The police do not take it seriously enough: they do not even have a task force; in Victoria they do. That chap from New South Wales who did the damage in Melbourne—$700 000 worth, and they suspect another $800 000 as well—is aged 23. He is not a kid, and in my view he ought to be in a work camp working hard and attending classes at night.

With this bill I want to make it harder for people like him to get access to implements which can be used for illegal and improper purposes. I can tell you that the community is very angry about this sort of behaviour, because the money spent as a result of this behaviour could have been spent on other, worthwhile things like skate parks, libraries, playgrounds and all sorts of things, and instead it is being spent trying to remove something that is guerilla action by a small minority who are so proud of themselves they come out at night. They are gutless people and they have no spine, because if they were so tough they would do it in daylight but, of course, they do not, because like cockroaches they only come out at night. I commend this bill to the house. I do not believe it is the total answer, but members will see from my next bill that it is part of a couple of measures that are designed to get on top of this scourge in our community. I commend the bill to the house.

Mrs GERAGHTY secured the adjournment of the debate.

GRAFFITI CONTROL (ORDERS ON CONVICTION) AMENDMENT BILL

The Hon. R.B. SUCH (Fisher) obtained leave and introduced a bill for an act to amend the Graffiti Control Act 2001 and to make related amendments to the Criminal Law Consolidation Act 1935. Read a first time.

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

That this bill be now read a second time.

This is a companion bill to the one that was just introduced. This one relates to requiring offenders to clean off graffiti. It provides that, where a court finds a person guilty of an offence, that is, marking graffiti, the court must order that the person pay to the owner or occupier of the property in relation to which the offence was committed such compensation as the court thinks fit. So, the first point is that they have to pay compensation for the damage done or restore what they did. The second point is that, if the court is satisfied that a suitable program exists for the removal or obliteration, under the supervision of an appropriate authority, of graffiti on any property and that it will be reasonably practicable for the person to participate in that program, in the case of a first offence the court may order that the person participate in that program or, in the case of a subsequent offence, the court must order that the person participate in that program.

So, what this measure does is what the community I think would expect: if you do graffiti you have to compensate the owner and help rehabilitate what was done. If it is your first offence the court may order you to participate in a clean-off program and, if it is a subsequent offence, you must participate in a suitable program. Some people say it costs money to run programs. Well, it does; it costs money to do a lot of things, but the cost of the graffiti and the damage done exceed the cost of any work program that would be involved in requiring these characters to clean off what they have done. I am not saying they should necessarily clean off their own graffiti, because it could be in a dangerous location, but there is plenty of graffiti for them to clean off, and they should be involved in doing it on weekends, in their school holidays and on their annual leave because, as I said earlier, many of these people are not juveniles: they are adults. Some of them are quite sophisticated in the way they operate. They have rope ladders and digital cameras and all sorts of aids to assist them in their behaviour, including a lot of rubber gloves, which normally they have stolen from Woolworths or Coles.

I think it is reasonable: you do the graffiti or vandalism and you get it off, or equivalent graffiti somewhere else. It is time that the courts stopped pandering to these people who engage in criminal behaviour. I have taken out the statistics from 2000 to 2005, and I have been amazed that when many of these characters are convicted they get no penalty at all. How can you get no penalty? It is a bit like arson, where 10 or 15 per cent of people convicted of arson in South Australia get no penalty. How can you get no penalty for deliberately burning down something? That is the court system we have at the moment.

I do not want to attack judges and magistrates, but I think many of them probably are somewhat insulated from areas of graffiti, vandalism and arson. I suspect many of them live in the more leafy suburbs. Good luck to them; they have probably studied hard and they have a responsible job. But I think they would change their attitude if they came out and saw the graffiti, for example, at Millswood or along the Belair train line or out through Salisbury, and if they felt the consequences of someone who set out to burn their house down. I do not know why the courts seem to be so sympathetic and soft on arsonists, vandals and people who smash and destroy things.

Debate adjourned.

The SPEAKER: I explain that under the sessional orders the first hour, allocated for private members' bills, has priority, and from 11.30 on, other notices of motion have priority.

UNFAIR DISMISSAL LAWS

Mr PISONI (Unley): I move:

That this house calls on the Minister for Small Business to call on the federal Labor leader to reverse his policy of reintroducing

regressive unfair dismissal laws and highlight the disincentive unfair dismissal laws are for small business in South Australia to employ new staff, particularly our youth.

I move this motion because of the very real fears being expressed by the small business and wider community that, if elected, federal Labor would dismantle the industrial relations reforms achieved by the Howard government. The record speaks for itself. Under WorkChoices, unemployment has dropped to 4.4 per cent from an already low 5.2 per cent, industrial disputes are at a record low and the minimum wage has increased by 5.6 per cent. Recently announced strengthening of the safety net for working Australians will add further benefits through a fairness test for workplace agreements in the areas of conditions and penalty rates. However, as deputy Labor leader Julia Gillard has made clear in recent comments, Labor intends to do away with all the good news in the workplace and take an iron bar to anyone who disagrees with Labor's policies.

In my role as shadow minister for small business and, indeed, for youth, I feel that it is important to speak out against a policy that will destroy jobs and lock out of reach flexibility in the work force for small business and their staff. The reintroduction of regressive unfair dismissal laws would wind back the clock and cost jobs, most notably those of our youth. It is no coincidence that youth unemployment has reduced since the removal of unfair dismissal laws, bearing in mind that employing youth is the largest risk that small business takes. Getting your first job is hardest, whether it be a part-time job while studying, or full-time once leaving school. Potential employers have no work history to make a judgment about whether an inexperienced applicant can do the work.

We discovered when we first joined the work force that what you learned at school has sometimes limited value in the work force, particularly if your first job was a physical trade or of a practical nature. This itself puts small business and owners in a position of risk. Labor's reintroduction of unfair dismissal laws, which have a history of vexatious claims being made against employers, is putting an unfair burden on small business employers. If you analyse unfair dismissal claims you will note that the vast majority of these claims are settled out of court by small businesses, even though their advisers would tell those businesses that they have no case to answer but, because costs are not awarded, pragmatism takes over and it becomes cheaper to pay 'go-away money' to vexatious claimants backed by their union rather than to fight the claims in the court. These small business people, of course, are also very time poor.

Having been a small business employer, I can understand the concerns generated by the Labor policy, which is simply a submission to union power within the Labor Party and, unfortunately, Kevin Rudd and Julia Gillard feel it is completely above board for their union paymasters to spend tens of millions of dollars to fund misleading scare campaigns designed to return Labor to office. 'Business interests and employers should remain silent lest they suffer injuries,' says Ms Gillard. There can be no doubt that this comment from the deputy Labor leader portrays the true attitude of Labor to informed debate in its disdain of the private sector.

It is easy to change policy facades but, in the case of Julia Gillard, it is obviously more difficult to change the ideological workplace mindset of the 1970s, just as the less than constructive attitude of the union movement is illustrated by the recent comments of Electrical Trades Union leader Dean Mighell, that it was 'going to be fun'—and we have heard more about that in the papers in the last couple of days, where he forced employers to pay millions and millions of dollars that they were not, in fact, entitled to do. He told the media that it is going to be fun coercing employers under the proposed new laws. Unfortunately, his fun would be at the expense of South Australian small business, the economy and jobs. It is a sad indictment on the ALP that their structure and policies could promote entertainment opportunities for the likes of the Electrical Trades Union and others. What fun federal ALP would have, if elected this year, with all the new union faces in parliament to keep Jenny George, Martin Ferguson and Simon Crean company. There can be no doubt that those representing the unions and past powerbrokers in the ACT will become an increasingly dominant force within the Labor Party.

The ALP might give the hard-to-win seats to women like Nicole Cornes and Mia Handshin, but the nice safe Labor seats go to union bosses who are usually blokes. Greg Combet—ACTU secretary—takes away a seat from a woman, and should be able to hang on to Charlton with an 8.4 per cent margin; Mark Butler, from the Liquor, Hospitality and Miscellaneous Workers Union, might scrape into the seat of Port Adelaide with a 13 per cent margin; and Bill Shorten, of the AWU, should coast to the line in Maribyrnong with a 9.5 per cent margin!

Richard Marles, the ACTU assistant secretary, must have really upset someone to get stuck with Corio, which has a margin of only 5.7 per cent, and now Don Farrell kicks Linda Kirk out on his way to take her safe Senate seat. If only Linda Kirk had worked out just how upset the Don 'I run this state' Farrell would be by her voting for Rudd and for stem cell research and, of course, by sacking Don Farrell's wife from her office. She should have worked out that doing what you are told and nepotism is part of the Labor way—Don gave Linda the seat, so it is only right that Linda gives Don's wife a good, paying job in her office.

I am sure that with a little tutoring and a street directory Mr Combet should be able to work out where the main street of Charlton is. Yes, Greg and the ALP are doing their best for affirmative action but the unfortunate Kelly Hoare, whom Mr Combet has pushed aside, will now be able to spend more time getting on with her work/life balance—without the work. In her own words to the ABC she said:

I am the sole income earner in our family. I have got a daughter at university and a son on first year apprenticeship wages. If we lose this income we lose the house. It's a fairly disgraceful situation.

Federal Labor proposes to impose costs on small business which will cost jobs by removing the flexibility that has produced strong growth, bundling them up in IR red tape and leaving them, once again, to the less than tender mercies of the unions—the same unions which currently represent less than 15 per cent of the private sector work force and which have been abandoned as irrelevant by 125 000 working Australians in the past 12 months. Last June, right here in Adelaide, Greg Combet said, 'I recall we used to run the country and it would not be a bad thing if we did it again.' In that instance, 'I' means the trade union movement. Delusional he may be, but there is no doubting the strength of his conviction.

Alarm bells are ringing across the country, from the mum and dad small corner business with a couple of employees all the way up to BHP. It could perhaps be argued that even the federal ALP has recognised that its previous unfair dismissal regime was not ideal, even though it opposed the government's attempts to remove unfair dismissal laws in the Senate

44 times. The announcement that the Labor government would provide, for small businesses with fewer than 15 employees, a 12-month gap before the legislation kicks in seems to point to this recognition. However, my very real concern is that, in order to avoid the nightmare that the previous unfair dismissal legislation represented, small business will begin shedding staff and permanent positions will become a rarity. In South Australia we currently have the worst unemployment rate in the nation; we cannot afford Labor's union-driven unfair dismissal agenda.

The hotels and hospitality industry is a large employer in this state, particularly for our youth, and, on reviewing Labor's proposed IR laws (in particular the reintroduction of unfair dismissal laws), Bill Healey, the director of national affairs for the AHA, said:

> We're particularly concerned about the proposal to change the unfair dismissal laws, because. . . psychologically that will have a big impact on our people deciding to employ people permanently [or on a full-time basis].

Much has been said previously in the unfair dismissal debate about the rights of employees, and no-one supports people being dismissed from their job unfairly or unlawfully. However, despite the Labor Party peddling the line that employers can break the law under WorkChoices, that is not true. It is still illegal to dismiss employees unlawfully for reasons such as being pregnant, or gay, or on the grounds of religion or race.

What has been missing from the debate are the rights of small business people. They themselves are the battlers, often having significant investment at risk in their enterprises. Many were themselves employees, who have mortgaged their home and borrowed money to further their dream of independence, self-employment and of getting ahead in life. Having made the transition from employee to employer myself, I know that in tough times employers often take home less in wages than those they employ. Small business employers are the backbone of the private enterprise system, employing almost 3.75 million people in this country. Small business people, like the majority of their employees, work hard to do the right thing, so why should they be wrapped up in red tape, harassed by unions, told how to run their business, and risk extortion because there are those who believe that others should take unfair responsibility for others' lives in any circumstances?

The Hon. M.J. ATKINSON: I rise on a point of order.

The DEPUTY SPEAKER: Order! The member for Unley will resume his seat. What is your point of order, Attorney?

The Hon. M.J. ATKINSON: My point of order is that the member for Unley is plainly reading his speech into *Hansard* verbatim in private members' time. I understand this is contrary to Erskine May.

Mr Pisoni interjecting:

The DEPUTY SPEAKER: Order! The member for Unley will resume his seat until I have ruled on the matter.

Members interjecting:

The DEPUTY SPEAKER: Order! I do not uphold the Attorney's point of order. The house has a long tradition of allowing members to use copious notes.

Mr PISONI: Thank you, Madam Deputy Speaker. It is obvious that the Attorney-General knows how uncomfortable this legislation will be for the small business community. That is why he is trying to stop me speaking on this motion.

A small business—or any business, for that matter—ought to be able to dismiss an unproductive, rude, unpunctual, incompetent or dishonest employee as the need arises. They do not have the time to battle bureaucracy nor can they afford to pay thousands of dollars in 'go-away money' in a system that gives vexatious claims the upper hand. No matter how flimsy or vexatious an unfair dismissal claim, the system worked to pressure the employer to settle matters and minimise costs. In 2003-04 only 429 of the 7 000 claims made in the federal jurisdiction proceeded to a hearing—such was the pressure put on employers to settle out of court and just pay up.

In case the impression is that these claims, 75 per cent of which involved fair dismissal, were aimed at stereotypical big business which has deep pockets and could perhaps wear the costs, think again. Over one-third of all claims involve small business. This is the potential problem for employment in this state. The South Australian economy has a large reliance on small and medium business. Labor's unfair dismissal policies put small business families in the firing line just because they employ South Australians. Even the threat of a return to this unfair and outdated system will make many small businesses averse to hiring people and inclined to shed staff in advance of the federal election, in case Labor wins. Business owners should have the right to employ those who will best benefit their business and the staff.

The removal of unfair dismissal laws has helped to give us the lowest unemployment in 33 years. The reintroduction of unfair dismissal laws will cost our economy jobs—pure and simple. Anyone who fails to recognise that does not understand business, and that is why I can see the Labor Party on the other side laughing and thinking that this is a joke.

Mr Koutsantonis: We're laughing at you.

Mr PISONI: What about Rupert Tucker? Have you got back to him yet, member for West Torrens? What was his problem? Anyone who fails to recognise that does not understand business or just—

The DEPUTY SPEAKER: Order! The member's time has expired.

Mr PISONI: I ask for an extension, Madam Deputy Speaker, due to the interruptions earlier. You have done it for other members.

Mr Koutsantonis interjecting:

The DEPUTY SPEAKER: Order! Member for Unley, resume your seat. The clock was stopped during periods of interruption.

Mrs GERAGHTY secured the adjournment of the debate.

NATURAL RESOURCES MANAGEMENT PLAN

Mr VENNING (Schubert): I move:

That this house—

(a) condemns the Rann Labor government for its complete failure in delivering the new state Natural Resources Management Plan, released by the Minister for Environment and Conservation on 15 February 2006;
(b) notes that although the minister claimed the plan would be cost neutral, there have been huge increased costs for local government and the community at large;
(c) shares the concern of local government of the cost shifting from state to local government; and
(d) expresses general concern about the future costs of natural resources management and its effectiveness.

The dream of natural resource management is now a nightmare for many of us. In fact, it is worse than I could have expected, and it is so bad that we have opposition from right across the state at all levels of land care from growers, owners and councillors alike who are at one in their opposi-

tion to the NRM outcome that we now see. I only spoke to the previous minister, minister Hill, last Tuesday when I aired my serious concerns with him. He assured me that things were under control, but I think he is just covering up for the current minister whom I believe has totally lost it. We now have the classic *Yes, Minister* syndrome where the parliament set up a situation that enabled the bureaucrats to take over, and I am sorry to say it but the current minister, the Hon. Gail Gago, is totally powerless to rein in the excesses that have now killed responsible NRM in South Australia.

As most members would know, natural resource management—particularly, pest plants and vertebrate pests—has been an interest of mine long before I came into this place in 1990. I served as chairman of both a pest plant board and a vertebrate pest board. It was very obvious to us back then over 20 years ago that there were big advantages in amalgamating a lot of the activities of these boards, particularly regarding the efficiency of the service offered and the lack of people volunteering to be on these boards. So, we amalgamated the pest plants board and vertebrate pest board in our area and we formed the Animal and Plant Control Board, and it was an instant success. Subsequently, it happened across the state.

Next in my sights were the soil boards. They were already running pretty well parallel to our animal and plant boards with very similar boundaries, although the funding was different because soil boards were funded from all three levels of government while our board was state funded. I began a campaign to bring the soil boards into the mix, ably assisted by Messrs Mathieson and Tideman, longtime departmental experts in these fields. I met some opposition, though, especially from the soil boards chairs, particularly Mr Geoff Pearson, Mr Doug Henderson and Mr Jaeske, all of whom are of great fame in soil boards in South Australia. I believe that the amalgamation was what I was working on when I was elected to parliament and I continued the stewardship at a lower tempo. It was at this point that the departmental people, the modern day Tidemans, said there was merit in this and, more than that, they decided that we could take it much further and widen the scope.

I was concerned about this because I believed that the success of the past came about because we moved one step at a time and we took the various stakeholders with us. In other words, they owned the process and, after all, we were all mainly volunteers. However, instead of getting a much bigger process, we got a much much bigger process. It included everything, all in, and I was concerned with this and I aired these concerns back then with the minister John Hill and the CEO, Mr Roger Wickes. They both assured me there would be no problems and that it would be more efficient, and I agreed it could be, and that it would be cost neutral. In other words, the more efficient delivery of the service would not cost the stakeholders any more than it already did and certainly not more than the cost of CPI.

I stand here today quite shattered to realise what has happened because, as we know, minister Hill is no longer the minister involved, and all those concerns I had have actually come to reality. The result has been cost-shifting on a grand scale from state to local government without the subsequent money to go with it. Public servants have seen this as an opportunity to get themselves into a higher wage bracket. In other words, government has lost complete control and bureaucrats have taken over, particularly under the new minister. I think that public servants now have a complete open go: Sir Humphrey almost totally rules the roost. NRM has become full of bureaucrats, increasing staff and wages. Staff levels are now out of control, and it is a bureaucratic nightmare. State government is not financing it properly, and it is now expected that local government will provide the funding.

Under the old schemes, the animal and plant control board had state government funding. The soil boards had local, state and federal government funding. Landcare was generally state funded, with a little bit of federal funding in certain areas. Under that scheme, councils had to raise the money for the boards indirectly through their rates, so a component of rates included the animal and plant control funding, but it was much less. Now, each year, we are paying more under the NRM levy. It started off at around $40 per rateable assessment and then went to $100 per rateable assessment. Most farmers have six to eight assessments, so that is an extra $600 to $800 to find.

There was some restraint for the first couple of years, because the levy was only allowed to go up with CPI. Now it seems that it is open slather. This year, it is set to rise 300 per cent in some areas. It is out of control. Farmers with six to eight assessments could be looking at paying an extra $1 800 to $2 400 or, if it is based on capital value rather than the assessments, it will still be an enormous increase. Until recently, councils have been quiet about this—but not any more. It will go up 300 per cent again next year. Are they just going to cop this huge impost?

Mr Griffiths: No.

Mr VENNING: The member for Goyder says no, and he is dead right. I am about to talk about some of his councils. In January 2007, we discovered that $1.08 million in the Northern Yorke Peninsula NRM Board, and $309 000 in the Adelaide and Mount Lofty NRM Board funding, had been withdrawn by the state government. This was evidently recurrent funds for soil conservation works and the Rann government's share of other natural resource management funding. This alone would force the NRM levy up by 43 per cent. Why has the levy gone up another 250 per cent and beyond? This is again another blatant example of cost shifting from state government to councils.

Even worse, the NRM boards have been told by the state government that they must purchase their vehicles from State Fleet. The old animal and plant control boards used to purchase their vehicles at an annual changeover cost of approximately $2 000 per unit per year and often less. The same vehicle will cost $15 000 annually through State Fleet. The Adelaide and Mount Lofty NRM Board had former animal and plant control board staff, who now have to purchase vehicles from State Fleet. This will cost an extra $130 000 per year on top of the $309 000 of government cost shifting. The NRM boards will cash in the 12 vehicles, of course, and that might pay for the first 18 months' lease of these but, after that, the community will have to cough up the extra. It looks as though the levy will be going up and up.

Evidently, the NRM boards have to come up with a comprehensive plan by July 2008 that will generate a new levy. It looks as though even more cost shifting from state government to local government is on its way. Yorke Peninsula councils are said to be reeling at the recent announcement of increases in the NRM levy and angry at having to recoup it from ratepayers. It appears that, of the 16 constituent councils contributing to the NRM board, more than $2.5 million for the next financial year will come from the three Yorke Peninsula councils. I understand that it is

believed that they are being used to subsidise areas that the government considers have greater water problems.

Mayor Ray Agnew recently spoke about this issue on radio (and I note that the member for Goyder is looking over my shoulder). Evidently, the costing for the last year of the pest plant boards for the Yorke Peninsula council was $100 000 and, with the same number of officers, it rose to $196 000 this current financial year. They have now been advised by the minister that it will go up to $650 000 in the next financial year. It is a huge increase of 335 per cent, and the Barunga West and Copper Coast councils are facing very similar increases. Ratepayers cannot see value for the dollar, because the new NRM structure makes it extremely difficult for the officers there to go and speak to the people about weeds, or whatever the problem is that is covered under the NRM Act, and then they have to pay a levy on top of, say, roadside spraying that the property owner does themselves. If it is done by NRM officers, they are charged for the work. It is a double dip.

In most instances, farmers have to pay for chemicals to spray their pest weeds, as they have always done, with little or no reimbursement. On top of that, farmers must pay for all sorts of occupational health and safety certificates. A renewal certificate in biochemical handling costs $275. This is all new. Alternatively, they must pay for NRM contractors to do the spraying. What is more, to add insult to injury, as well as paying the levy there is a high expectation that members of the community will volunteer countless hours of practical help to the NRM boards. Suffice to say, I think that the NRM boards could not function without community volunteers, and we have all been one of those. I am not saying that the NRM boards should function without volunteers—far from it. The support of the community is vital to the work of the NRM boards. Without it, the situation would be dire indeed. Apart from the practical out-in-the-field service that volunteers provide, the general community's assistance is paramount in notifying the boards of plant and animal pests and water and soil related problems.

The South Australian Murray-Darling Basin NRM Board estimated that in 2006 volunteers delivered $5 million worth of in-kind on-ground work across the region. Volunteers protected over 2 500 hectares of remnant vegetation, planted approximately 5 000 hectares of fodder crops and perennial pasture, and erected many hundreds of kilometres of fencing to protect watercourses and wetland areas from disturbance. The monitoring of wetlands and the community stream sampling and salinity mapping project are other ways that volunteers make an enormous contribution. You will not get any disagreement from me about the value of volunteers to our natural resources.

What exactly are we getting from our NRM levy, other than a bevy of bureaucrats writing copious long-winded tomes to convince us that they are actually doing something worth while? For example, as to the South Australian Murray-Darling Basin NRM Board's Drought Response Strategy (which is a mouthful in itself), we are informed that the drought response strategy is a living document. Have you heard that before? We read and hear it a lot lately, don't we? What does it mean? It means that someone will be employed to keep rewriting that document in perpetuity.

The draft pest management strategy document, which is open for comment now, is another comprehensive, detailed and wordy document. My point is that plans and strategies themselves are not of any value unless there is timely action as a result of these plans. Endless talkfests, committees, subcommittees, steering committees, consultative committees, public meetings, stakeholder information sessions, group training seminars—you name it! As humans we will find another avenue to prolong the talk and paperwork in order to delay real action.

This is a total disgrace, and I completely dissociate myself from the whole damn mess. I apologise if my earlier work many years ago led to this. It needs to be completely torn down and started again. I vehemently oppose the excesses and waste of government being transferred to members of the community and also to areas of local government. I am totally devastated, because, as I said, if you read my initial speech in the parliament, this is an issue I raised. I was going through the amalgamation process then, and it was working.

The Hon. R.J. McEwen interjecting:

Mr VENNING: Well, the Minister for Agriculture can say whatever he likes on this issue, but just get out there and check what has happened. This is not fable, this is not fabrication, it is actually happening. I am happy to hear the minister's response to what I just said, because he also has the problem in his electorate. Members representing any country electorate will be hearing about this, because it is totally out of control. I did trust the previous minister, John Hill, and I still do, but I am totally devastated to understand that the current minister basically wipes her hands and says, 'Well, I've lost control of this.' It is happening. If the bureaucrats take over they will always justify their position. You know that; I know that. It happens under your government, it happens under ours. We have a mess here. Let us in a bipartisan way first realise that we have a problem and, secondly, address it. I ask members to support the motion.

The Hon. R.B. SUCH (Fisher): I will make a brief contribution. I accept that the member for Schubert reflects some concern particularly in rural areas. There is a concern that maybe what has been created is overly bureaucratic and overly expensive. I point out that, in many ways, it is still early days. In fairness, the various NRM boards, and so on, need to have a chance to perform. We know they came from an amalgamation of the catchment boards, soil conservation boards, and so on. I also take a close interest in what they do. In fact, I wrote to the chair of the Murray River board, the Hon. David Wotton, whose name would be familiar to many—

An honourable member interjecting:

The Hon. R.B. SUCH: Yes, he is a good bloke. I always ask the spiky question: can you list the front-line work that your board has done? I got a list back. Many of the NRM boards are doing constructive work, and I am urging them to do more; for example, the rehabilitation of some of the creek lines in the Adelaide Hills has been a particular focus of mine. If members look through the Adelaide Hills, they will find that very few of the creeks look anything like they did before Europeans vandalised them. The NRM boards have the challenge of trying to restore some of those creek lines with indigenous vegetation. People need to distinguish between native vegetation and indigenous vegetation. Native can be basically anywhere from within Australia and indigenous means to that local area. So, a palm tree from Queensland is not indigenous to Glenelg. It might be native, but it is not indigenous. These boards are doing some good work, and can do a lot more, for example, in relation to rehabilitating creek lines.

The member for Schubert notes in his motion that there has been increased costs for local government, but local

government is also getting a commission from collecting the levy, which, in some ways, seems a little bit ironic, if you are collecting a levy and getting the board to do work that you probably should have done yourself. I note that local government gets a fee for collecting the NRM levies.

Because our interest in and concern about the environment keeps changing, we now have a focus on global warming and greenhouse gases. Once again, I urge people not to overlook the significance of that, but also to remember that it is fine to tackle that issue, but at the same time we must protect biodiversity and other aspects that come under global warming and the greenhouse gas impact. If we do not, we might end up reducing the level of greenhouse gas, and so on, but we will not have much left on mother earth anyway, because it will have been destroyed anyway. I remind members that, in the Adelaide area, something like 20 of the birds indigenous to this area have been wiped out, and even more of the plants have been wiped out. It is important to look at the big picture, but if we do not also focus on what is happening on the ground we end up with a result which is far from satisfactory.

In regard to the environment, there need to be some changes and better integration with agencies such as the EPA and what is now called the Coast Protection Board, which in many ways has its hands tied in what it can do. Members would be aware that the Coast Protection Board can issue warnings about not building close to the coast where there is a danger to people who do, yet its warnings carry no weight at all. It has no legal authority. I think the government needs to look at this whole issue of environmental management. I am not advocating one big agency. I am not a great believer in giant agencies. I think bureaucracies can become self-serving, but you need to have a total approach to the management of the environment where the various agencies clearly complement each other and work in an integrated way.

We do not have it with coastal management. We have a dog's breakfast, with the Coast Protection Board trying to do its job, but it cannot because it does not have the authority to enforce, for example, its various threats to people regarding possible storm damage and so on. It does not have the authority to enforce what should be good applied science in relation to coastal matters. That is just one example.

I come back to the original point; that is, I think that the member for Schubert is being somewhat harsh in passing judgment at this stage on what is an approach which is still in its infancy in relation to the NRM plans and boards. I know that, having been on the Economic and Finance Committee, we used to put the catchment boards through the hoop. It was sort of a regular fare for the Economic and Finance Committee to put the boards through the hoop but, at the end of the day, while we were worrying about whether they used three pencils instead of two, other agencies were chewing up tens of millions of dollars. These boards and the management plan may not be at the level we want, and I think that they need to ensure they get their act together. I do not want to see a lot of bureaucracy.

I do not want to see a lot of people shuffling paper and engaging in so-called educational programs, unless they are absolutely necessary and will produce a result. I think the member for Schubert is close to the mark in terms of expressing a disappointment. I think he is probably overstating what he called the devastation. Nevertheless, the government really needs to ensure that these boards perform; that they do not become another bureaucratic activity; and that we see some front-line results. People are always pleased to see concrete examples of work done by government agencies, rather than reports and plans which often never materialise. The member for Schubert is close to the mark, but I think probably a little harsh in his criticism at this stage.

The Hon. M.J. ATKINSON (Attorney-General): I rise to express my concern about the phraseology of this motion and three of the first four motions on the *Notice Paper* today from the Liberal opposition. If we read this motion carefully, it states:

> Mr Venning to move—That this house—

The Hon. R.G. Kerin interjecting:

The Hon. M.J. ATKINSON: I do like giving English lessons and, if the member for Frome will pause in his habitual playing of space invaders on the computer and listen, he may benefit from the lesson.

The Hon. R.G. Kerin: It's like explaining to primary school kids the difference between federal and state governments.

Mr Goldsworthy: One's good; one's bad!

The Hon. M.J. ATKINSON: The member for Kavel says in response to the member for Frome regarding the difference between federal and state government: one good; one bad. It sounds like something from George Orwell's *Animal Farm*.

Mr Goldsworthy: And you're bad.

The Hon. M.J. ATKINSON: Thank you for that insightful contribution. The motion reads:

> Mr Venning to move—That this house. . . shares the concern of local government of the cost shifting from state to local government;

I think members will see the error there and realise that the second preposition—that is, the second 'of'—is not the correct word to link up the remainder of the sentence. I think all members of parliament ought to be careful in what they submit to the house in motions—after all, these motions are submitted in writing. The member for Schubert should have read through his motion carefully before submitting it to the house, just out of respect to the house. If members look at the first motion it says:

> Mr Pisoni to move—That this house calls on the Minister for Small Business to call on federal Labor leader—

kind of 'is Don, is good'—

> to reverse his policy of—

Mr Griffiths interjecting:

The Hon. M.J. ATKINSON: Slavic people have difficulties with articles in English because there are no articles in Slavonic languages. It continues:

> to reverse his policy of reintroducing regressive unfair dismissal laws and highlight disincentive unfair dismissal laws—

and so on. So there are three errors in one sentence. If members look at Notice of Motion No. 5, it says:

> Mr Hamilton-Smith to move—That this house calls on the Speaker of this house write to the Speaker of the House of Commons—

Mr GOLDSWORTHY: Madam Deputy Speaker, I rise on a point of order relating to relevance. I presume the Attorney-General is engaging in the debate in relation to the motion moved by the member for Schubert. He is speaking about a potential motion on the *Notice Paper* to be moved by the Leader of the Opposition, which has nothing to do with the current debate. I ask you to make a particular ruling on relevance.

The DEPUTY SPEAKER: Order! There is no debate in moving a point of order. I ask the Attorney to move fairly promptly to the substance of the matter.

The Hon. R.G. Kerin: Send him home; make him stand in the corner.

The Hon. M.J. ATKINSON: The member for Frome says that I should be made to stand in the corner. On the contrary, I think it is members of parliament who submit slapdash motions who are the dunces. I would ask the parliamentary Liberal Party to lift its game. I know opposition is difficult. I feel their pain about their reduced numbers. I feel their pain about the enormous swings against the Liberal Party consistently reported in polls, but I have been there in opposition. I have been there when there were only 10 of us, and we pulled ourselves up by our bootstraps and here we are in government. I urge the opposition to do the same.

Mr Venning: Thanks to Peter Lewis.

The Hon. M.J. ATKINSON: The member for Schubert keeps interjecting about Peter Lewis. It is true that he put us into government, and I am still smiling about that, but I notice that the member for Schubert's close friend (they used to ring and call each other by their first name; apropos of Peter Lewis, I refer to Terry Stevens) is up before the courts again.

Mr GRIFFITHS (Goyder): As opposed to the Attorney, I wish to make a small contribution to the motion of the member for Schubert. I have had a little bit of exposure to the natural resource management boards, being one of the few people in this house who actually worked within local government at the time of the proposal coming forward. I was actually attracted to it, because it had features indicating that significant dollars would be available to regional communities and communities across South Australia to do important environmental works. I believe that is why everyone offered their support for it. The member for Fisher talks about the degree of concern in the communities and does not necessarily support the comments made by the member for Schubert. I can assure members that in the Goyder electorate the fine people I represent are absolutely ropable about this matter, because we are talking in the range of 330 per cent increases in contributions from each council area.

People talk about the devolution of responsibility from state government to local government. This is actually responsibility put back on individual property owners, because they are the people who are paying this. It is a separately identified levy that will appear on their council rates. In effect, the council is beholden to ensure that the full value of that levy is transferred to, in my case, the Northern and Yorke Natural Resource Management Board, in some cases, before the levy is paid by the property owner. This will require those councils to carry that debt, if that debt occurs. I hope that the majority of people are responsible and contribute that, because otherwise local government will be severely financially embarrassed again, and it is the property owners again who will have to bear that burden.

It is important to understand that in the Northern and Yorke area the levy is proposed to increase from $760 000 to around $2.6 million. The member for Schubert talked about the effect it is going to have upon the three Yorke Peninsula council areas, and that is Yorke Peninsula, Copper Coast, and Barunga West. They will be contributing about 50 per cent of that total of $2.6 million. The reason provided to them is, because the levy is now based upon the capital value of properties and they have coastal lands adjoining them, their capital value is more and therefore the property owners concerned have the ability to pay more because the land is worth more. That argument is a fallacy and, unfortunately, it works too often in the Local Government Grants Commission where they believe that the value of a property reflects the ability of owners to pay. That is not true.

I think that local government, when it sets its rates, tries to recognise the ability of property owners to pay the rates and levies that they attract, but in this case the Northern and Yorke board (and I know it is trying to instigate a whole raft of proposals to ensure that the environment within that area is protected and really necessary works are done) is putting a financial burden on property owners that people will vehemently oppose. They do not want to pay this much money and they do not expect increases of 335 per cent. They do want to contribute to responsible works, but they want those works to be costed within their ability to pay.

The member for Fisher also talked about the payments being made to councils in recognition of their collection of the levy. My recollection is that the Yorke Peninsula council area, which is being expected to raise something like $650 000 this year, will receive about $4 500 for that effort. That is my quick calculation. I think they will be collecting roughly two-thirds of 1 per cent of the value of the levy: that will be their recompense for doing that. Again, as I mentioned before—

The Hon. R.B. Such: It's on the rate notice.

Mr GRIFFITHS: Yes, it involves the rate notice, but remember there is a potential for them to have to cover that debt if property owners do not pay the levy. Having worked within local government and been aware of councils that have tried to specifically itemise costs within their rate accounts that are forwarded, I know that people who do not believe they receive value for that service quite often object to it and it is not included in the cheque that they write to council. They specifically identify that amount and say, 'I'm not paying it.'

When I was with local government I encouraged staff who worked beneath me, especially one person who had a lot of experience with the Coast Protection Board, to be involved in the Northern and Yorke integrated natural resource management group, because I thought it was important to have people from our region actually involved in the decisions to ensure that as much as possible the return for the contributions being made from that area went back to the regions concerned. I know that person has worked very hard and I know they have a lot of challenges before them but, again, it comes out that people are not getting the return on their investment.

The volunteers who worked tirelessly over generations on the animal and plant control boards and the soil boards must be just about rolling around in their graves. Those people went there totally with the focus of ensuring that they provided a value for money service to their communities. The levy to the animal and plant control boards was based upon a mixture of the valuation and the rates receivable from rural and residential properties but there have been exponential increases in that, and the communities cannot afford to pay it. The Northern and Yorke NRM Board suffers from the problem that the minister in another place decided to reduce the funding available to that area from the state government by $1 million, and that has been reported quite widely. The minister will say in defence that the amount being paid by the state government to NRM activities across the state is the same but, in effect, it has been moved into other areas. Where

is the equity in this? People make a conscious decision to become part of a group that they think will move forward in their area and suddenly the rules change, and that is what has occurred here.

The Northern and Yorke NRM Board also has the difficulty that the constituent councils within the area have a split opinion on whether capital value or a fixed levy should be used in determining the NRM contribution. The smaller councils in the more outlying areas that do not necessarily have the ability to rate as much as some others have determined very strongly that they want capital value to be involved because that would reduce their costs.

I was always a very big supporter of the need for larger councils to offer as much support as they could to smaller councils and, having worked in both a larger and a smaller one in regional areas, I sometimes had disagreements with the elected members of my larger council about how to do that. Because I had worked for five years in a smaller council and knew the difficulties they faced, I thought that it was important. However, in this case, the decision made by the constituent councils within the central local government region to use the capital value has a severely detrimental effect upon those councils that service communities in coastal areas.

I have called upon the minister in this case to review as quickly as possible, and certainly within the time frame that local government has the opportunity to make comment on the proposed levies, the contribution that the government is making to the NRM groups across the state. I hope that the minister recognises that, as it stands, communities are very upset. The member for Schubert talks about the mayor of Yorke Peninsula council, who has been on radio quite often about this; the coverage in the regional press has been page 1, and people are very upset about it. There is an expectation that a decision will be made to review this, and I sincerely hope that the government and, in particular, the minister, recognises that change needs to occur because, if they do not, as I mentioned at the start, people will be ropable and they will demand a better degree of service from the government.

The Hon. J.M. RANKINE (Minister for State/Local Government Relations): I cannot sit and listen to the debate without making some contribution, particularly in relation to the assertion of cost shifting by the state government onto local councils. As we know, the member for Schubert has recently been waxing lyrical in the media about calling for an end to cost shifting by the state government onto local government. In one article published in *The Bunyip* in the last week or so he was calling for direct federal government funding of councils and for the end of cost shifting by the current state government.

There is one thing about which I can agree with the member for Schubert—and he did refer to former prime minister Malcolm Fraser, saying that councils should get a fixed proportion of income tax receipts. In fact, my understanding is that under the Fraser government local councils received 2 per cent of income tax revenue. Under the Howard government, that has dropped to 0.7 per cent of income tax receipts. So, if there are any assertions about cost shifting onto local government, I would suggest the member for Schubert look very strongly at what his federal counterparts are doing in that regard. The article to which I have referred states:

'The "cap in hand" regime we currently have is demeaning and unprofessional.' Mr Venning also believes councils are taking on extra responsibilities without adequate compensation. 'It has basically been a cost-shifting exercise by the state government, which provides the lowest per capita funding to councils of any mainland state or territory government.'

What the member for Schubert has to understand—

Mr Venning interjecting:

The Hon. J.M. RANKINE: No, you are absolutely wrong because what we have is a Local Government Finance Authority which, under legislation determined by the federal government, calculates how much money is going to be distributed. It is the horizontal equal fiscalisation criteria, and that is determined according to federal rules. That is how it is determined.

Mr Griffiths interjecting:

The Hon. J.M. RANKINE: That is the one—Grants Commission; sorry, that is exactly right. That is how it is done. We have 11 per cent of the nation's roads and get something like 5.5 per cent of funding for local roads. There is some top-up; it was running out at the end of June this year, and the federal budget has given us some top-up, which is very welcome. It is an issue that I have taken up on numerous occasions with the federal minister. I hope the member for Schubert has taken it up, although very much doubt that he has.

Mr Venning: I have.

The Hon. J.M. RANKINE: Have you? When have you written to—

Mr Venning interjecting:

The Hon. J.M. RANKINE: No, you have not reported it. It is not in any of your media releases, you are not in the media saying the federal government has to get its act together and stop its cost shifting, you are not doing that. I would really like to hear from the member for Schubert some real examples of state government cost shifting onto local government. Give me some real examples where that has happened.

Mr Venning interjecting:

The Hon. J.M. RANKINE: No, they have not. What I can tell the member for Schubert is that the budget figure for the 2006 financial year showed that the estimated financial transfer from state to local government will be just over $90 million. This funding is for a variety of arrangements under which the state provides grants and subsidies to councils, or payments to councils for local or joint state and local programs, and what we know is that around the nation councils in different states have different responsibilities, so different state governments pay for different services. In some of the other states, councils run kindergartens, child-care centres and things like that. We do not do that here in South Australia.

The Hon. R.J. McEwen interjecting:

The Hon. J.M. RANKINE: Electricity, water, services—a whole range of those sorts of things that are not the responsibility of councils in South Australia. Other estimated allocations to local government during 2006-07 include over $2 million through the Regional Development Infrastructure Fund, over $1 million through the Upper Spencer Gulf enterprise zone, over $3 million for community waste management systems, and over $6 million through planning and development grants for improvement to regional open space in the public realm. The government is also committed to allocating at least $4 million per year—indexed for 30 years—for stormwater infrastructure.

Other examples that show a cost to the state government where the benefit is enjoyed by local government are, for

example, emergency services: well in excess of $10 million a year. No longer do they bear the burden of recurring costs, operating expenses and depreciation associated with running plant, machinery and equipment previously owned by councils to fight fires.

An honourable member interjecting:

The Hon. J.M. RANKINE: Well, that is exactly right, but I am saying that it still costs the state more than we receive from the levy, and we have taken that over. We do not hear local government bleating about that; we do not hear the member for Schubert bleating about that. Regional development boards: we have an agreement between state and local government on a ratio of 3:1. Decision making occurs at a local level, with local government board representation and input.

Statewide, under the resource agreement, the South Australian government contributes nearly $2.5 million, with local councils collectively contributing about $1 million. Outside this agreement the South Australian government also provides over $1 million in additional project and program funding. We do not refer to this as cost shifting but as a partnership, one that develops local regions and provides for our communities. It is a contribution this government makes to the state's economic development in partnership with local councils. There is also a range of other areas:

- the Local Government Finance Authority—the state government acts as a guarantor, without which local government borrowing costs would be substantially greater;
- the Local Government Mutual Liability Scheme—the state government underwrites this scheme through SAICORP, significantly reducing local government's costs for disaster insurance;
- a number of mechanisms in place that aim to ensure that proposals for new legislation or programs clearly identify potential cost implications for local government and, where this applies, how these costs can be met (we have put these in place to ensure that local government is consulted);
- the State/Local Government Agreement—a set of guidelines between the state government and the LGA regarding consultation on legislative proposals with a significant impact on local government; and
- a number of specific agreements between state and local government for functional areas or programs—again, I mention stormwater management, community waste water management systems, public libraries.

Did I also mention the fact that we contribute something like $30 million a year to councils in rate concessions for pensioners and self-funded retirees, and almost $16 million for public library services? That $30 million in concessions goes to councils. There is a whole range of these things in place.

There has been a lot of argy-bargy around the development assessment panels, and we know that changes the Minister for Urban Development and Planning brought in last year have an indexation factor of 3.8 per cent for the fees that councils can charge. An assessment was done by a consultant on that, and it appears that the revenue for all councils is likely to be in excess of $2 million for 2006-07. We do not have the final figures yet but it is likely to be more than that, depending on the number of development applications put before a council. The other day minister Holloway also announced $332 000 for a Kangaroo Island township program, and I think we have the Rural Cities program. There is a whole range of things.

Then we have members in this and the other place having the gall to go on radio and in the media the other day calling on the state government to provide free volunteer checks for all volunteers in South Australia. Without outlining all the things that the government does to support volunteers here in South Australia, let me just outline the cost of that so the opposition can put it in their goody bag of things for when they come into government. We have something like 610 000 people volunteering here in South Australia and they do not all need to be police checked; that is a nonsense to start with. I understand the cost of those police checks is $29.50 each, so that would be an estimated cost to the state of $17 million. Give me a break! What a load of nonsense.

In South Australia we provide free volunteer checks for people who volunteer in community organisations that provide services for vulnerable people—whether that is aged, invalid, or children—and I think we provide something like 19 000 free volunteer checks a year for people who work with vulnerable people.

Time expired.

Mrs GERAGHTY secured the adjournment of the debate.

LOCAL GOVERNMENT REVIEW

The Hon. R.B. SUCH (Fisher): I move:

That this house calls on the state government to take a leadership role in relation to local government in this state and commission a comprehensive independent review of the desirable number of local government councils and their size, with particular reference to the metropolitan area.

This has been a hobbyhorse of mine for a long time; as members know, I never give up, because some days you can actually succeed (as happened with shop trading hours).

As I have indicated to the house before, I was involved in local government and I have a lot of respect for people in local government but I think it is time, particularly for the metropolitan area (there may be a couple of exceptions, perhaps, in the rural area), where the question of how many councils there should be needs to be addressed. I cannot understand why anyone would object to having an independent review. It will not happen as a result of the LGA pushing for it because they will not push for it. It is human nature that people within a sector do not normally want to see themselves reviewed, they do not want to see anything that will challenge their particular situation, they do not want to rock the boat or alter the status quo, whatever you want to call it. So I call on the state to take a leadership role.

We have had this argument for years, that we have local government and they are autonomous, they are independent, all that sort of stuff. Well, only to a degree. Local government is a creature of this parliament, a creature ultimately of a law that is passed in this parliament. That is not to say that we should interfere in their day-to-day running, but they get their authority and their licence to operate, if you like, as a result of a decision made in this house and in another place. To say that they are in the same situation as state and federal government is a bit of a misrepresentation of reality.

I do not know how many councils we should have in the metropolitan area. If I knew, I would not be proposing a review. Business SA knows how many because it recommends three or four. Don Farrell has argued recently that people who work in the city should have a say in the election

of the council. I do not agree with that argument in the way he puts it, but I have some sympathy for what he is suggesting because, at the moment, most South Australians have no say in what happens in their capital city. I guess the people in the city of Adelaide might say that those people do not pay the rates; however, without the support of people in the country and metropolitan South Australia, you would not have a city of Adelaide. So, that is an aspect to be considered. I do not think that the Don Farrell model is the appropriate one because, if you took the approach that people who work in the city should get a vote, then what about the foreign students who are here for three or four years? They might be here longer than someone working at Myer or David Jones. But I understand the point he is making and I think it is valid in relation to non-representation of the people who sustain the inner city.

The number of councils at the moment from Gawler to Noarlunga is 18. I do not know whether there is anything magical about that number. It has not brought me any luck in X-Lotto. I do not know whether we need 18; maybe we do. That is what an independent review would do. It might say—and I would be quite happy with this—that 18 is the best number and that is what we need. Equally, it could be 16, three or one; I do not know. It has to be independent and it has to be engineered by the state government because the LGA will never, in my view, suggest or create or want an independent review of the number of councils.

The last time we had significant amalgamations in the metropolitan area Dean Brown was premier, and we had all sorts of games being played. Unley and Mitcham should have got together, but he could not get the bride to the altar there. They played all sorts of games; they played hard-to-get. What do we have? We have two council chambers within a few kilometres of each other. I could almost throw the mayor's hat from one to the other. They have two works depots, although we are not allowed to call them works depots these days. They are 'infrastructure centres'. I am not sure what the difference is but, if members go along King William Road, they will see that the Unley council has changed the name from works depot to infrastructure centre, which I think is a misnomer because I would have thought that the outdoor staff of councils provide services as well as infrastructure. I am getting as pedantic as the Attorney-General and, if we are not careful, we will have the City of Unley in here after school, as well.

In Unley and Mitcham, we have two council chambers close together and two infrastructure centres at great cost. Why? Why do we need 18 of these in the metropolitan area? We have councils that do not share equipment. The City of Charles Sturt, and I am not picking on it, has a computing system that it does not share. One of the western councils was telling me not that long ago that it was buying new trucks to clean out drains, but they are not sharing them with anyone else. Why would they? We get all this silly duplication.

I admit that one alternative to amalgamations is to cooperate more. I was talking to someone in local government only a week or so ago and he said that there is no great intention to do any more cooperation. If the people of this state do not see more cooperation, then I think the demand for amalgamations will grow, because you can save money by cooperating. Some of the bigger councils have joint tendering for fuel for vehicles but still they do not do a lot of sharing when it comes to payroll and services. Some councils have a 24-hour ranger service, many of them do not. Some provide comprehensive library services, others do not. There are different approaches to the interpretation of laws governing planning, trees, dogs and cats. You can cross from one side of the street to the other and have a different approach to the way the council will interpret a planning law.

Mitcham council is very strict about planning and building applications because it does not want people looking in on their neighbours sunbathing topless, yet other councils are not so fussed about it. Mitcham is very strict about frosted windows. Some windows frost up anyway just from heavy breathing, so they do not have to worry. Go across the road to the next council area and that council does not worry too much about it. All this adds great costs to developers, builders, planners and other people trying to conduct their business in the metropolitan area because they have different approaches across the city.

In terms of the way in which they inspect restaurants and premises where food is sold and consumed, the vigour of the inspection varies considerably across councils. A lot of people say that if you have a big council—which is often the inference that if you have a review you will end up with one or two or three councils—it will not be local any more and that the 'local' will be taken out of local government. I think that is a load of nonsense because, when one of our committees was looking at planning issues, the council area that generated the most angst in relation to planning matters was the smallest council in the metropolitan area. We had deputations from Walkerville residents saying that their council was not listening to them, yet it is the smallest council.

Brisbane City Council has a budget far greater than that of Tasmania, it employs 7 000 people and it runs the buses as well as a lot of other things. The people I speak to up there, and I have visited many times to check this out, tell me that their council is fantastic. It listens to them and asks them what they want. It is not about how big or small you are: it is about whether or not you are organised well and whether or not you listen to people. A large council can be in touch with its people and a small council can be arrogant and aloof. I think the idea that simply because a council is larger than another and therefore is distant from its people is a load of nonsense.

In the metropolitan area we have in excess of 200 elected members. I think we ought to be looking as part of the review at whether or not we have a smaller number of councillors. The cost would be less to pay them than the allowances we currently pay to over 200 members. Someone said to me last week that, if you have a smaller number of councils, the government will not like it because some mayors speak out. That would be good. I think that people such as Mayor Brooks at Mitcham, Mayor Zappia at Salisbury and others speaking out is fantastic—the more mayors speaking out on issues the better. We live in a democracy. I do not think that we should be frightened if we ended up with one, two, three, four or five councils and if the mayors of those council spoke out. It would be great. If we went to a smaller number of councils (and, as I say, I did not have a preference), I think that they could take over some of the functions currently run by the state government, including some aspects of transport. All these things need to be looked at. There are costs involved if you amalgamate; there are costs involved if you do not. But, if we took the approach of just sitting back and saying, 'Things are right, things are okay, so we'll keep doing things the way we did,' we would still be living in a cave and running around with a big club to hit some animal on the head for lunch.

The Beattie government in Queensland decided to look at councils outside Brisbane (because Brisbane already had just one council), and it has run into a bit of flak, and Mr Rudd had to get a promise it would not look at certain things. However, you have to give credit to someone like Mr Beattie, who is prepared to look at these tough issues. Jeff Kennett looked at local government, but he went a bit overboard and was too dogmatic and prescriptive in the way he went about it. I believe that you must have a genuinely independent review, not with some ideological base but, looking at it objectively and on the facts, and asking what is the best and appropriate number to deliver the best range of services in the most cost-effective way for ratepayers and residents, in a way that upholds the democratic traditions.

The work of local government is increasingly complex, as I said earlier today. The amount of paperwork local councillors get is probably not much less than we get as MPs. They put in a lot of time as elected members, and their staff are increasingly under a lot of pressure. In essence, it is up to the government to take a leadership role and not wait for the LGA. We know that, not that long ago, a financial study was done of councils (the Cossey report), and it found that many councils currently are financially unsustainable. I suspect that many of those were in the rural area, and that is another key issue.

I have argued that councils should get a share of GST revenue but, when I put that to the two treasurers it was regarded in the same way as offering someone a dose of leprosy: they did not want to know about it. The financial aspect needs to be looked at. There are enormous savings to be made, even if we do not go down the path of amalgamation, just by councils working more closely together, and I have mentioned a few examples of how the savings could be made. Some people say, 'Years ago, you helped to stop Mitcham being gobbled up by the so-called City of Flinders.' Yes, that is true, but the world has changed and moved on. It is a different world now from 20 years ago. I think that if you do not change, or you are not prepared to look at things and be willing to change, you get left behind. South Australia used to lead in many areas; we do not lead in many now. We are way behind the eight ball in a lot of areas, and I think that it is now up to the present government to take a leadership role and help to ensure that we have the best arrangement of local government possible, not just in the metropolitan area but also in the country.

Mrs GERAGHTY secured the adjournment of the debate.

PARTHENON MARBLES

Mr HAMILTON-SMITH (Leader of the Opposition): I move:

That this house calls on the Speaker of the house to write to the Speaker of the House of Commons seeking that Westminster considers what action can be taken to facilitate the return of the antiques known as the Parthenon marbles from the British Museum to Greece.

I move this motion with great honour and privilege on behalf of the Greek community, because this is a matter which is important to the 39 000 or so members of that community in South Australia. Around Australia the Greek community has shown consistent interest in returning the Parthenon marbles to Greece, and with good reason. Greece has called for the return of the marbles and, despite a mounting international campaign, the British Museum and the British government have refused to return them.

When the Parthenon was built between 447 BC and 432 BC three sets of sculptures—the metopes, the frieze, and the pediments—were created to decorate it. These comprised what is known as the Parthenon marbles, incorrectly called the Elgin marbles after Britain's ambassador to the Ottoman Empire, Lord Elgin. But, of course, both names have been contemporaneously used at various times. I noted the pithy comments from the Premier and others opposite in their clamouring to curry favour with the Greek community, making the point that they are the Parthenon marbles, not the Elgin marbles. Everyone recognises that, but we know that some members opposite like to make these pithy points. The fact is that, on and off across Europe and around the world at various times, they have been described as both in writing, in academia and in public debate. But, let us be clear—they are the Parthenon marbles as far as I am concerned.

As I mentioned, they were removed from the Parthenon along with other monuments on the Acropolis 200 years ago by Lord Elgin. Lord Elgin acquired his collection between 1801 and 1810. The marbles were bought by the British Museum in 1816, and have been a major attraction there ever since. Thus, the marbles were not the spoils of war, but were arguably plundered while Greece was under Ottoman rule. Greece has long since sought their return. In raising this issue, I wrote to British Prime Minister Tony Blair asking his government to ensure that the famed Parthenon marbles are returned to Greece.

I asked Tony Blair for his commitment to return the Parthenon and Elgin marbles, currently in the British Museum, to their rightful place. In fact, I can tell the house that just today I received a reply. The reply, on behalf of the British Prime Minister, is from the Minister for Culture, Mr David Lammy. It states:

Thank you for your letter of 20 April to the Prime Minister regarding the Parthenon Sculptures. I am responding as the Minister responsible for cultural property. The UK Government is aware that the issue of the Parthenon Sculptures is one that provokes very strongly held views around the world and I can fully appreciate why the Greek community in South Australia feel that they should be returned to Greece. However, a fundamental principle, of many years standing in the UK, is that our national museums and galleries operate independently of the Government and are free from political interference. This is therefore a matter for consideration by the Trustees of the British Museum.

The Parthenon Sculptures form part of the British Museum's collection. Under Museum's governing statute, the Trustees are prevented from 'deaccessioning' objects in the Museum's collections unless, broadly, they are duplicates or unfit for attention. The Government has no plans to change the law in this respect. The Museum can make loans under the Act, but must take into account issues such as the rarity of the object and any risks to which it may be exposed. The Trustees must also consider the interests of the visitor to the British Museum. To date the Trustees of the Museum have not received any detailed, written proposals regarding a loan of the Parthenon Sculptures to Greece.

Moreover, the British Museum has always made it clear that it would be necessary for Greece to acknowledge publicly the Museum's legal ownership of the Sculptures before the Trustees would be prepared to consider a possible loan of any of them. To date, the Greek government have not done this.

I am copying this to Michael Martin MP.

David Lammy

I must say that I do find the response a little disappointing, hence I am moving this motion today and seeking the Rann government's bipartisan support in calling on the Speaker of the house to write to the Speaker of the House of Commons (Rt Hon. Michael Martin MP) seeking that steps be taken at

Westminster by the British parliament to return the Parthenon antiquities to their homeland. If the government cannot instigate a change of the law and take action, then perhaps the British parliament at Westminster will do so.

The return of the Parthenon marbles to Greece is a matter of great interest to Greek South Australians, as I have mentioned, and I am doing this on behalf of so many thousands of them who feel passionately about this subject. Many of them have raised it with me. I have noted some media consternation about this proposition—almost of a dismissive nature—and I would simply say to those who may question the need for this motion that it is a matter of importance to so many South Australians of Greek origin. There are so many multicultural issues that are of concern to South Australians who were born in or who can trace their roots back to an overseas country, and it is beholden on this parliament to take an interest in such matters. I notice that the Premier has just spent an exhaustive amount of time in Greece and Cyprus picking up these very issues. I notice that he has been criticising the Macedonians and stirring up a range of issues of a very particular nature as he has travelled about in his anxious propriety to seek curry with the Greek community. Well, good for him.

I am looking forward to his unhindered support for this motion so that you, Mr Speaker, can be asked on our behalf to write to the Speaker of the House of Commons to fix this problem. I am sure that it is one that can be resolved. I am sure that, with a little support from the international community, this issue can be resolved. The governments of Greece and Great Britain have to sort this out predominantly, but they do need our support. Some would argue that the artworks have been rescued or protected during their time with the British Museum and they would have otherwise been desecrated further or perhaps plundered by others. Now that may be so, but the reality is that, at the time they were removed, Greece was under Ottoman control. They were under the control of a very hostile regime during a period of great difficulty for the Greek nation. They did not have control of their own destiny at this time.

History has subsequently moved on, and Greece now most certainly has control of its own destiny and wants to have control of the antiquities that belong rightfully and properly at their home in Athens in a museum which has been earmarked already by the government of Greece to house these marbles. Surely, the marbles could be returned either in their entirety , or in part, with copies made and perhaps some arrangement for sharing or a long-term loan. Surely, some arrangement can be struck. I do accept the argument that, if we returned everything that had been removed from other nations' museums around the world, there would be an awful lot of antiquities being returned. However, in this case, as I have argued, they were not the spoils of war. Arguably, they were plundered, arguably, they were stolen, and they should rightfully be returned.

A committee has been formed in a number of countries, including Australia, to campaign for the return of the marbles. The Premier claims to be a member of this committee. I wonder how active he has been. Perhaps when he contributes to this debate, he can tell us. Both the Victorian and New South Wales governments and former Olsen Liberal government members have supported the return of the Elgin marbles to Greece, and I believe that the Premier has made public statements supporting their return, so I hope he does agree. Even the Prime Minister, John Howard, has publicly expressed sympathy for the principle of their return. In answer to questions in the commonwealth parliament in February and June 2000, the government reinforced its view that the question of the Parthenon marbles is a matter for resolution between the Greek and British parliaments.

The matter was debated in the commonwealth parliament on 3 April 2000, and the former premier of South Australia, John Olsen, called for the return of the artworks to Greece on 31 January 2002. I am proud to say that the Liberal Party has a long history of championing this cause, as we have so many causes on behalf of the Greek community and other communities in our multicultural and diverse South Australia.

Debate adjourned.

[Sitting suspended from 1 to 2 p.m.]

GREENHOUSE STRATEGY

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

Leave granted.

The Hon. M.D. RANN: South Australia has been at the forefront of the climate change policy debate nationally and internationally. Indeed, the climate change legislation currently before the house is an indication of the state's commitment to act. Professor Stephen Schneider, South Australia's ninth Thinker in Residence, provided much advice and guidance on that legislation. I am pleased to inform the house that, with the return of Professor Schneider to Adelaide this week, I have today released his report and the government's response to it. Professor Schneider, a civil and environmental engineer from Stanford University in California, is a well respected (indeed, world respected) expert on climate change research. His professional partnership with Paul Erhlich I think is probably known to all people interested in the environment around the world. Stephen Schneider has advised the past six US administrations (including presidents Clinton, Nixon, George Bush Snr and others), and also of course the current Governor of California, Arnold Schwarzenegger.

His report to the government recommends long-term change for the way we live and do business in South Australia. It is a challenge to government, industry and the community. In his report Professor Schneider states:

> Climate change is a long road. This is a problem that requires action over many years, as well as courage and foresight from decision makers, stakeholders and the public.

He goes on to say:

> The challenge now for the state is in bringing people along—creating the alliances necessary to bring the sustainability and climate change agendas into force.

This philosophy is reflected in the government's greenhouse strategy, which we have also released today, and in our legislation. It is a commonsense approach to dealing with climate change.

Professor Schneider's report has provided 10 broad recommendations. The government supports the vast majority of these recommendations and has already taken action on some of them. His recommendations include establishing States United for Sustainability: The Adelaide International Network (SUSTAIN). The SUSTAIN program aims at making South Australia the centre for a worldwide climate change network of governments, institutions and interest groups operating at the sub-national level—at the state, provincial, regional and canton level. It will bring together

important players who are serious about responding to climate change.

South Australia has already started working with other states and regions around the world to progress climate change. Obviously, we have been taking a leadership position in the Council for Australian Federation with the other states, and we have also established close links with Manitoba in Canada and Puglia in Italy, and of course we will be inviting all Canadian premiers to Adelaide next year where climate change will be at the top of the agenda. We are also building relationships with other governments around the world, including of course with the United Kingdom. I recently met with the United Kingdom's Environment Secretary, David Miliband, about developing closer links in progressing solutions to climate change and in having policy exchanges.

In December 2005 South Australia signed the Declaration of the Federated States and Regional Governments on Climate Change, committing to emissions reductions targets. South Australia has also become a member of The Climate Group, an independent, non-profit organisation which has been established to advance business and government leadership on climate change. It is based in the United Kingdom, the United States and Australia. Professor Schneider has also recommended a system that he calls '7/11 Paybacks: doing well by doing good.'

The objective of the system is for business and industry to invest in energy efficient plant and equipment that allows them to recoup their investment in less than 11 years. It aims to increase business investment in energy efficiency that over time will improve business profitability. The report also recommends a scheme for new industries to implement energy efficiencies within industrial processes with a better than three-year payback period.

Of course, the adoption of these proposals will require extensive consultation with the business and energy generation sectors. South Australia has put the three-year buyback for industry on the agenda of the Council for the Australian Federation. At the CAF meeting in February this year all states and territory governments agreed to develop a national energy efficiency system. Under existing government proposals paybacks will also be available through Australia's first 'feed-in' laws. The 'feed-in' scheme will reward households with solar panels for returning surplus electricity to the grid by paying them up to double the retail price of the electricity that they feed back into the system.

A new Business Sustainability Program, a cross-agency initiative that is led by the Department of Trade and Economic Development, has also recently been established as an advisory service to promote voluntary measures to increase industry sustainability and efficiency. Its effectiveness will be reviewed after three years of operation. Professor Schneider has recommended rewarding sustainable farmers with incentives to encourage sustainability practice, emissions reductions, resource efficiency and biodiversity conservation in the agricultural community. This concept is being progressed through PIRSA/SARDI in the National Agricultural and Climate Change Action Plan 2006-2009.

Another rural sustainability program is also being pursued through the establishment of the River Murray Forest, which I announced during the last election campaign. Landholders will be encouraged to participate in the forest for biodiversity values and carbon offsets programs. Professor Schneider has also proposed establishing a partnership on climate change research between the three universities in Adelaide as well as SARDI. A recommendation to establish what Professor Schneider calls 'Green with Envy Tourism' is an innovative idea to showcase South Australia through 'green' tours. Professor Schneider suggests a 'Wine, Windmill and Whales' tour in a biofuel powered car on the Fleurieu Peninsula, as an example. I am told that this idea has a lot of potential and could possibly include opportunities for tour visits to Aboriginal communities which incorporate innovative sustainable technologies, such as stormwater harvesting at Scotsdesco and Koonibba on the Far West Coast, and solar concentrator dishes at Oak Valley on the Maralinga Tjarutja lands and Umuwa on the Anangu Pitjantjatjara Yankunytjatjara lands.

As a result of one of Stephen Schneider's recommendations, the government is supporting a curriculum trial at the Cowandilla Primary School. The trial is an action based whole-of-school learning approach to sustainable living. I have to say, Cowandilla Primary School is one of the national leaders on environmental issues. It involves students and teachers in auditing and monitoring greenhouse gas emissions in the school and home, and developing actions to address the issues. New climate change education resource materials will be used in the trial and can be rolled out on a statewide basis, and I hope eventually on a national basis, so that we make sustainability and also greenhouse gas and climate change part of our curriculum.

The Department for Education and Children's Services is also trialing 'eco-mapping' at Christies Beach High School and Cowandilla Primary School to demonstrate how environmental auditing can be an important part of climate change education. Schools are already learning about energy efficiency through the Solar Schools Program, and this state is putting solar panels on 250 schools, clearly leading Australia in that area.

An honourable member interjecting:

The Hon. M.D. RANN: The opposition has announced its view: solar energy is a waste of money. It is interesting that it did not say that when the Prime Minister, John Howard, announced a Solar Cities Program for the northern suburbs earlier this year.

There was one recommendation that the government has decided against for the moment, and that related to the so-called 'cars on a diet' idea. This is about differentiating registration and stamp duty costs to encourage efficient vehicles and providing green numberplates for efficient cars that would entitle them to parking privileges. While our Greenhouse Strategy supports the principle of encouraging the purchase of more fuel-efficient cars, and has committed to reviewing government incentives to purchase lower-emission cars, the government does not support providing green numberplates that would afford certain privileges, such as parking access. I believe that would be unfair to tradespeople, to large families and to others who must, of necessity, rely on larger vehicles. This is the only recommendation in the report not supported by the government.

Our Thinkers come here. We have had Susan Greenfield here, and there are about 11 projects coming off her residence, including the Royal Institution of Great Britain being located in Adelaide—the first time outside of Britain. I am advised that the Department of Further Education, Employment, Science and Technology has begun incorporating sustainability practices in the courses for electrical trades, facilities management, ventilation, heating and air-conditioning designers and installers as well as electrical engineers. I am also advised that the Department for Families and Communities has been committed to incorporating sustain-

ability principles into its housing projects for many years; the proposed Playford North redevelopment is an excellent example of such a project.

Professor Schneider's report can be viewed on the Thinkers website and also on the government's Greenhouse Strategy website. I would like to take this opportunity to thank the professor for his work in South Australia, and would like to reiterate his message that this is a long road, one on which I encourage all members of parliament to join with the government to show bipartisan support for our environment and its future.

I am told that the Prime Minister is announcing the report of his emissions trading committee today. You will remember that the Prime Minister denounced the South Australian government for proposing a national emissions trading scheme and also denounced the South Australian government for proposing emissions targets. What a difference a few opinion polls make! I welcome this change in approach and I look forward to the Prime Minister working with the states to get the best outcome for the people of Australia, but an emissions trading scheme that does not have targets is flying blind. It does not make any sense; you have to know where you want to go before you start the process.

VISITORS TO PARLIAMENT

The SPEAKER: I draw honourable members' attention to the presence in this chamber today of students from Glossop High School, who are guests of the member for Chaffey; students from Immanuel College, who are guests of the member for Morphett; members of the Kiwanis Club East Burnside, who are guests of the member for Hartley; students from Gleeson College, who are guests of the member for Wright; and students from Mary MacKillop College, who are guests of the member for Norwood.

QUESTION TIME

INDEPENDENT COMMISSION AGAINST CORRUPTION

Mr HAMILTON-SMITH (Leader of the Opposition): My question is to the Premier. Why is the Premier steadfastly opposed to the establishment of an independent commission against corruption? Western Australia, New South Wales and Queensland all have corruption commissions of this kind. A number of scandals in Western Australia and New South Wales have recently resulted in exposure of criminal or unethical behaviour in high places, and a number of events in South Australia have stirred public interest in this matter—including the Ashbourne corruption case, investigations by the police Anti-Corruption Squad, the stashed cash affair, and a range of other matters.

The Hon. M.D. RANN (Premier): I understand that in the case the leader refers to the person concerned was acquitted, found not guilty, by the courts of South Australia. Let's just talk about this. The Auditor-General of South Australia has been this state's pre-eminent anti-corruption watchdog. We saw persistent attempts by your government to deliberately frustrate the Auditor-General from investigating corruption, and that is the difference between us.

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: He was forced to come to Parliament House—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: —and deliver the report himself because of the actions of your government. We know about what happened with the water deal and the $100 million payment and the selling off of ETSA. When we tried to reappoint and change the law to reappoint—

Members interjecting:

The SPEAKER: Order!

The Hon. M.D. RANN: Let me just finish. You asked the question and you will hear what I have to say. This government tried to reappoint the Auditor-General because of his pre-eminent role in investigating corruption in this state and you blocked it.

Members interjecting:

The SPEAKER: Order! When I call the house to order, I expect members to come to order. I warn the Treasurer and the member for MacKillop, I think it was.

EDUCATION WORKS

Mr PICCOLO (Light): My question is to the Minister for Education and Children's Services.

Members interjecting:

The SPEAKER: Order! I will vacate the chair, if the house does not come to order when I call it to order.

Mr PICCOLO: What progress has been made with stage 1 of the government's Education Works initiative?

The Hon. J.D. LOMAX-SMITH (Minister for Education and Children's Services): I thank the member for Light for his question. He has been a very strong advocate for urban renewal in his electorate in the area of Playford, particularly, where new schools are to be built, and I thank him for his enthusiasm and support of his school communities. Today the Premier and I announced the possible sites for our six new schools. These have been identified through a massive series of consultation with the school communities, both within the existing schools and within the feeder primary schools, for the new sites. This is part of our $134 million Education Works strategy, which is the biggest investment strategy in school infrastructure for the past 30 years.

The 18 school and preschool communities that are now part of this program—and as you will recall, we started with 17 schools, but one school insisted that it be part of the program and it joined to make it the 18-school program—have been involved in some very significant discussions and consultations. They have wanted to discuss the range of facilities that might be available within the schools, which specialist subjects they would focus on, as well as the possible location of the schools. Their input has been invaluable. As well as discussing the locations, of course, they have put a range of ideas to us, all of which have been considered and assessed fairly and openly.

The school communities generally have wanted schools within the centre of the locations under discussion. We have fully investigated the options. Occasionally, some of their suggestions have been unsuitable because they have chosen areas of ground that are too small for the new buildings but, otherwise, we have progressed the investigations to the point where we now have 10 preferred sites that will be fine tuned down to the six final locations. The next stage of the decision making will involve some serious discussions with local councils, the schools and local communities, because there are definitely options for shared services and investment so

that local government and state government can invest in these sites for the best outcomes for the communities.

I pay tribute to the local members of parliament who have been involved, namely the members for Torrens, Light, Napier, Port Adelaide and Enfield, who have all been involved in supporting their communities through this exciting and challenging time. I am very pleased that the school communities have put forward a range of options that have allowed the next stage of work to progress. I can assure parliament that these locations will go through some serious due diligence and examination to work out the best options and opportunities.

In case members of parliament are interested in where these locations might be, the Smithfield Plains and Playford North schools will include a birth to year 7 school, which will be on either Kooranowa Reserve, in the centre of the Peachey Belt, or the Smithfield Plains High School site. We have decided upon a birth to year 12 school, which will be on a greenfields site north of Curtis Road, close to transport and new housing. Within the Woodville area, the birth to year 7 school will be on the Ridley Grove Primary School site.

The other initiatives will involve the Gepps Cross, Enfield and Northfield locations, with a birth to year 7 school being either on the Blair Athol Reserve site, if that is suitable and acceptable to the community—

Members interjecting:

The SPEAKER: Order! I apologise to the Minister for Education and Children's Services. If the other members of the ministry and the Leader of the Opposition want to have a discussion, I invite them to cross the floor and sit next to each other, not carry on a discussion across the chamber while the minister is trying to answer a question. It is a grave discourtesy to the minister.

The Hon. K.O. FOLEY: Can I apologise to the house. It was just that the Leader of the Opposition said that until—

The SPEAKER: Order!

The Hon. K.O. FOLEY: —we are premiers, we cannot talk—

The SPEAKER: Order! The Treasurer has apologised, and that is enough.

The Hon. J.D. LOMAX-SMITH: The birth to year 7 school may also, after consultation, be sited on the Gepps Cross Primary School site. Today, the Premier and I were at State Sports Park, as one of the preferred locations for the multicampus secondary school which otherwise might be on the Enfield High School site as well. I particularly commend the school communities, teachers and parents who have been involved in this project because, clearly, they understand it, want the best for their children and realise that this investment will make a substantial difference to their children's lives.

BAIL

Mr HAMILTON-SMITH (Leader of the Opposition): Why can the Premier not agree with the Attorney-General on the need to immediately introduce legislation to tighten the law on bail? The Attorney-General—

Mr Koutsantonis interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: —when he was on Leon Byner's program on 14 March 2007, said this:

> Byner: So the public will glean from what you have said today that the reason that you have not reversed the bail onus or the preparedness to give bail in the circumstances we've explained is because you do not have the room to remand these people. . . so are we then to imply that you won't be reforming the bail act until you've built the prison.
>
> Atkinson: I think they are fair assumptions.

But the Premier on ABC TV last night was highly critical of the judiciary. He blamed the courts for the granting of bail and failed to mention that his government had provided inadequate prison space to meet the demand. The government opposed legislation to toughen bail laws put forward by the Liberal opposition in 2005, claiming that it would be 'too expensive' and that it would be unfair on the Aboriginal community.

The Hon. M.J. ATKINSON (Attorney-General): We have reformed bail. Indeed, in the aftermath of the Kapunda Road Royal Commission, we introduced legislation to this parliament (which was passed) that, if a motorist tried to outrun the police in a car chase, there was a presumption against bail.

Mrs Redmond interjecting:

The Hon. M.J. ATKINSON: The member for Heysen says that she wants that for all offences, and I will come back to that. The offence that has caused the controversy, as a result of a decision of Magistrate Hribal in the Port Adelaide Magistrate's Court, is precisely that offence. An alleged member of the Operation Mandrake gang—the gang that Operation Mandrake is targeting—tried to outrun police in a stolen car, and our law of reversing the onus applied. This parliament has spoken. The Leader of the Opposition actually got what he wanted. He got—

Mr Hamilton-Smith: It needs to be tightened.

The Hon. M.J. ATKINSON: It has been tightened for precisely that offence which was before the magistrate earlier this week. Parliament has changed that law. There is a presumption against bail. That is what the leader wants; that is what the leader got: the relevant offence, the precise offence that is the cause of the public controversy. Talk of speaking with fork tongue. The correctional services spokesman for the Liberal Party, Michelle Lensink, says that there are too many people remanded in custody. She draws attention to South Australia as having the highest remand—

The Hon. I.F. Evans interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: South Australia has the highest remand in custody rate of any state in the commonwealth, and I am not apologising for that.

Mr Williams: Go and talk to the Chief Magistrate about that.

The Hon. M.J. ATKINSON: The member for MacKillop says, 'Go and talk to the Chief Magistrate about it.' I am quite happy for South Australia to continue to have the highest remand in custody rate in the commonwealth, because in that way the public—

Mr Williams interjecting:

The SPEAKER: Order!

The Hon. M.J. ATKINSON: That is what the public of South Australia wants. They want—

Mr Williams: Rubbish!

The Hon. M.J. ATKINSON: Rubbish! The people of South Australia want to be protected.

Mr Williams interjecting:

The SPEAKER: Order! The member for MacKillop will restrain himself.

The Hon. M.J. ATKINSON: The people of South Australia wanted to be protected. Of course we need prison

space. That is why this government is building a gigantic new prison at Mobilong.

Mr Hamilton-Smith: When will that be open?

The Hon. M.J. ATKINSON: The Leader of the Opposition, of course, was not quite truthful with Leon Byner this morning. He said that the new gaol at Mobilong was not opening for 10 years. Then he said it was not opening for nine years. Then he said it was not opening for eight years. Three picks.

Mr Hamilton-Smith: I did not. Go and read the transcript.

The Hon. M.J. ATKINSON: 'No, I didn't,' he says. 'Go and read the transcript.' I just did, before I came in here. Still, you are getting warmer. We are building a gigantic new prison in a lot less than eight years. The previous government inherited a prison on its forward estimates, and you took it off.

Members interjecting:

The SPEAKER: Order!

INDUSTRIAL RELATIONS

Ms PORTOLESI (Hartley): What recent action has the Minister for Industrial Relations taken to address concerns in the South Australian community about the federal government's workplace laws?

The Hon. M.J. WRIGHT (Minister for Industrial Relations): Today I wrote to the federal Minister for Employment and Workplace Relations in an attempt to help South Australians make up their own minds about the Howard government's workplace laws. One of the problems that South Australians have in assessing the impact of the Howard Government's workplace laws, in particular the impact of AWAs, is the secrecy that surrounds AWAs. It is not only illegal to tell anyone else what is in a particular AWA but the Howard government has refused to release information about what AWAs are doing to the pay and conditions of working families.

I think that South Australians are pretty smart. South Australians do a pretty good job of making up their mind about issues when they are presented with the facts. I wrote to the federal minister to try to break down the Howard government's wall of secrecy. In my letter to the minister, I asked him to assist in responding to community concerns about AWAs by providing me with all the statistics kept by federal government agencies on AWAs.

Continuing to hide these statistics will only heighten community concern about the unfairness of the federal government's WorkChoices laws. I urge the minister to release these statistics. Sadly, the Howard government has refused to let the public see its own detailed statistics on AWAs—and this is because AWAs hurt working families. Despite the secrecy and the spin, Australian families will not be fooled by a federal government that does not trust South Australians with the truth.

MOTOR ACCIDENT COMMISSION

Mr HAMILTON-SMITH (Leader of the Opposition): Will the Treasurer explain whether the Motor Accident Commission has recently made a huge loss on the sale of a speculative commercial property investment in Sydney; and will he explain how such a careless and costly error could be made and whether the South Australian taxpayer is now expected to pick up the loss? The opposition understands that the Motor Accident Commission purchased a commercial property in Sydney in 2002 for $14.5 million and sold it recently for just $10 million to a Sydney property group which specialises in buying distressed commercial properties. The opposition has also been informed by an expert in the commercial property sector that this type of loss is 'totally incomprehensible'. I am happy to give you his number.

The Hon. K.O. FOLEY (Treasurer): That quite possibly is correct. I will get detailed information for the member. Can I say this—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Mr Speaker, the Motor Accident Commission—and I will get these figures confirmed—has a solvency rate of 160 per cent. I will get that confirmed.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: Since this government took office, the Motor Accident Commission has gone from being an enterprise that was struggling in respect of its solvency to one that I think—and I will get the figures confirmed—is as high as 160 per cent. Its investment returns—because you question me every estimates on the returns of the Motor Accident Commission—have exceeded the benchmark every year in the most recent years and it had a stellar performance in terms of its—

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon: Well, who would have appointed that 2002 commission?

The Hon. K.O. FOLEY: That's a good point; I was coming to that. The returns of the fund of the Motor Accident Commission have been outstanding. Within any portfolio—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: They have had direct property investments. The Motor Accident Commission—then chaired by former Liberal state treasurer, Dick McKay, who was appointed by a Liberal government to chair the Motor Accident Commission—with a board appointed by the outgoing Liberal government, made investment decisions, and in 2002, from memory, it chose to purchase a property in Sydney, which it has since liquidated.

I have to say that, in any diversified portfolio, you make profits and losses. It is the overall performance of the fund that you measure. I would be happy to predict that there would be other investments within the Motor Accident Commission that have not performed as well as others. It is a normal function of investment markets that you have wins and losses. It is the ultimate performance of the fund that is the measure, and the Motor Accident Commission has returned double digit returns in recent years and it is 160 per cent solvent.

This is again a question more suited to a councillor sitting in the Burnside city council who does not understand finance or how to run large public corporations and who would try to destabilise an institution through a silly question about which he should know better in terms of asking.

Mr HAMILTON-SMITH: I have a supplementary question. Does the Premier consider a $4.5 million loss on an investment to be stupid, irrelevant and inconsequential?

The Hon. P.F. Conlon interjecting:

The Hon. K.O. FOLEY (Treasurer): That is right, it was him. He actually asked the Premier—I am the Deputy Premier—although I do note that earlier he said to the minister next to me and myself that he will only deal with the Premier and, until we sit in that chair, we do not have sufficient status to communicate with him. That is what he said: until we get there, we do not have sufficient status. Talk about a bloke with a big head!

Members interjecting:

The SPEAKER: Order! The Treasurer is now debating.

The Hon. K.O. FOLEY: He is the only opposition leader in Australia who reckons he has the biggest and most important job in Australian politics. I am but a humble treasurer. Clearly, one would love every property development and every property that the Motor Accident Commission and/or any other entity, including Funds SA, purchased to make a profit. The reality of the market is that sometimes they do not. It is the overall performance of the fund: 160 per cent solvent, double-digit returns for the last five years. I reckon that is a pretty outstanding effort.

INFORMATION AND COMMUNICATION TECHNOLOGY

Ms BREUER (Giles): My question is to the Minister for Science and Information Economy. What initiatives has the government undertaken aimed at ensuring that all communities in South Australia can enjoy the economic and social benefits from using information and communication technology?

The Hon. P. CAICA (Minister for Science and Information Economy): I thank the honourable member for her question and her commitment to the regions she so greatly serves. The state government aims to ensure that all South Australians have equitable and affordable access to modern information and communication technology services through an innovative program called Outback Connect.

Mr Venning interjecting:

The Hon. P. CAICA: I will get to the trucks in a minute, Ivan, all right? This program developed by the Digital Bridge Unit in DFEEST assists people living in remote areas of our state to develop and use their ICT in order to address issues arising from geographical isolation. The DBU's Outback Connect program was recently awarded the inaugural Australian Community ICT Award for the Government Agency of the Year using ICT to connect to the community.

Members interjecting:

The Hon. P. CAICA: Yes, it is an excellent award. Thank you; maybe they would like to listen too.

Members interjecting:

The SPEAKER: Order!

An honourable member interjecting:

The Hon. P. CAICA: I will. This national award was initiated by Community Information Strategies Australia Incorporated and was presented at the recent Connecting Up conference held in Adelaide. Almost 700 people living in very remote areas have registered as Outback Connect clients since the program commenced in October 2005. Residents living north of Woomera and west of Elliston are eligible for the program, with people living in the APY lands receiving IT training support through a Northern Territory program. Outback Connect provides free trading in basic IT, and uses innovative virtual classroom technology to reach particularly isolated people. As well as being a cost-effective program, this format allows for flexibility in programming and course content to meet the needs of participants. One client, for example, not wanting to miss a class indicated she would join the class using a wireless internet connection from a tractor. That is the point for the member for Schubert: he may never have to attend a party room meeting again if he sets up an internet connection in his tractor. I will give you the information later, Ivan.

The online program is supported by a traineeship program which encourages a network of young people skilled in IT who are able to provide face-to-face help for people to gain confidence to join an online class. To date, there have been 12 young people in traineeships with Outback Connect. Outback Connect clients also receive up to 10 hours of free technical support and can access a technician by phone at the cost of a local call, the technician being able to address issues such as access to the internet, managing satellite connections, and alternative options for both internet connection and open source technology.

Outback Connect also has a focus on Aboriginal communities, with two project officers having been specifically employed to link with Aboriginal communities to offer an interim program that addresses general and digital literacy issues. In the communities of Yalata and Oak Valley, for example, where the community interest in football is strong, the football team has worked with Outback Connect to create a digital photo story about their journey from a dusty oval with slanted goalposts to AAMI Stadium to play the curtain raiser at the cultural heritage match on 27 May. A key benefit of the Outback Connect program is the development of community capacity. Virtual meeting room software has been made available to local organisations, providing a forum for collaboration on issues such as economic development, Landcare, education and community health.

I congratulate—as I know all members of the house would—the Digital Bridge Unit for receiving the national award and for its excellent work which is aimed at ensuring all South Australians have the opportunity to participate and share in our state's prosperous future—something which the opposition is unwilling to admit, that our state has a prosperous future.

STATE ECONOMY

Mr HAMILTON-SMITH (Leader of the Opposition): Will the Premier explain why, during the five years the Rann government has been in office, South Australia's share of the national economy has decreased to 6.59 per cent, why our share of Australian domestic final demand has shrunk to 6.81 per cent, why our share of the nation's retail trade turnover has declined to 7.1 per cent, and why our share of Australia's merchandise export has crashed from 7.4 per cent in March 2002 to 5.3 per cent today, as revealed by ABS figures?

The Hon. M.D. RANN (Premier): This is very interesting, because there is one figure that South Australians do know, and that is that job growth under our government has been at twice the rate of that under the Liberals. We now have $34 billion worth of projects on the go. We have the biggest mining boom ever seen in this state and, following an initiative of this government under the PACE scheme, we have gone from 36th in the world in terms of mining prospectivity to fourth in the world. The difference is that while the Liberal Party was in power members spent the whole time fighting amongst themselves—Brown versus Olsen, Olsen versus Brown. They spent more time ringing me

up giving me leaks and questions to ask at question time than they did running the state.

PUBLIC SECTOR EMPLOYMENT

Mr HAMILTON-SMITH (Leader of the Opposition): My question is again to the leader.

Members interjecting:

The SPEAKER: Order!

Mr HAMILTON-SMITH: In light of his answer to my earlier question in which he referred to jobs, is the state government's severe payroll tax regime, combined with the highest WorkCover levies in the nation, contributing to the reduced share of the nation's job market in South Australia? Since the government has been elected, ABS figures reveal a decrease in South Australia's share of the national jobs market from 7.53 per cent to 7.19 per cent, with the youth unemployment rate above the national average rising from 3.7 per cent in March 2002 to 7.9 per cent today, more than double.

The Hon. M.D. RANN (Premier): The Bank SA State Monitor is an ongoing independent survey of South Australian consumer and business confidence, and its survey of 300 consumers and 300 businesses across the state was completed in early May this year. The figures were released just a day ago. The key point is that the business confidence index jumped to the highest level ever recorded since early 2005, the second highest on record, with businesses the most confident—

Mr Hamilton-Smith interjecting:

The Hon. M.D. RANN: No, the second highest ever recorded and the highest since early 2005, and from memory that was done just after we won the air warfare destroyer contract. Businesses were the most confident in the state's economic climate since surveys began in 1997 when the Liberals were in power. The one thing that people know is that there are now about 56 000 South Australians in jobs who were not in jobs when you were in power.

Members interjecting:

The SPEAKER: Order!

PORT STANVAC REFINERY

Mr HAMILTON-SMITH (Leader of the Opposition): My question is to the Deputy Premier. What progress has been made on the remediation of the Port Stanvac refinery site, and has he been provided with six-monthly reports, as outlined under the terms and conditions of his agreement with Exxon Mobil and, if so, what are the latest details of the progress?

The Hon. K.O. FOLEY (Deputy Premier): I am happy to get that information for the Leader of the Opposition, and can I say thank you for giving me the privilege of a question. He actually has done me proud. I know you normally only reserve yourself to communicating leader to leader—

Members interjecting:

The Hon. K.O. FOLEY: Leader to leader.

Members interjecting:

The SPEAKER: Order!

The Hon. P.F. Conlon: He's lecturing you on how to be loyal to your leader!

The Hon. K.O. FOLEY: Oh right, okay.

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: As I said earlier today, I am very happy for the Leader of the Opposition. He clearly is very excited in his new role as Leader of the Opposition.

The Hon. P.F. Conlon: Pro tem.

The Hon. K.O. FOLEY: Pro tem. But I can say—and I appreciate that normally it is leader to leader while in this case it is leader to mere mortal—that I will get those details. Also, can I say in relation to an earlier question about the Motor Accident Commission and solvency—I was wrong; it is not 160 per cent, and I apologise to the house. I made an error. It is 165 per cent. And the net assets of the Motor Accident Commission are $410 million.

PORT ROAD UNDERPASS

Mr HAMILTON-SMITH (Leader of the Opposition): My question is to the Minister for Transport and Minister for Infrastructure.

Members interjecting:

Mr HAMILTON-SMITH: The one who would be deputy premier.

Members interjecting:

Mr HAMILTON-SMITH: B1 and B2—Banana 1 and Banana 2; come on, they're ready to go. He is very good with his figures, sir, so I know he'll be good. What is the present estimated total cost and timetable for planned work on the underpass along South Road beneath Port Road and Grange Road?

The Hon. P.F. CONLON (Minister for Transport): Some time ago we advised the house that the works on the Port Road underpass would be timed consistent with prudent expenditure of our capital budget. Those figures—

Members interjecting:

The Hon. P.F. CONLON: What I am grateful for is that finally they have noticed that there is a budget next week, despite the fact that our friends at *The Advertiser* seemed to have noticed that on a rather regular basis. The details that the member seeks I am sure will be explained to him in full in that budget. But can I also register my great pleasure that he has deigned to ask me a question after telling me earlier that I was not as important as him because he is the Leader of the Opposition, and then gave us a lecture on how we should be more loyal to our leader—and I have got to say that I had to look over at Iain to see his reaction to that one. But I am very grateful for the question. Some of the details you seek I am sure will be present in the budget. I do wish you would ask about the costs of the South Road underpass at Anzac Highway, which you claim would be $140 million, but we will deal with that one—

Mr Hamilton-Smith interjecting:

The Hon. P.F. CONLON: Oh, no you didn't say it—'No, I didn't say that; it wasn't eight years, it wasn't nine years, it wasn't too dear.' So I look forward to you asking me a question on that one.

NORTHERN EXPRESSWAY

Dr McFETRIDGE (Morphett): I do not want the Minister for Transport to get too excited, but this is a question to him. Were the government's tenders and costings for bridge and road design for the Northern Expressway complete before the minister increased his cost estimate for the project from $300 million to $550 million, and will the government rule out any further increase in project costs once final design work is complete?

The Hon. P.F. CONLON (Minister for Transport): The question is: was the design complete before we made an estimate of $550 million, before we went out to consultation on a number of alternative routes, before we incorporated some changes? No, it is actually very hard to complete the design before you declare an alignment; that is just a little difficult. For the record, can I guarantee that we can keep the cost of a project to be built in a number of years' time at estimate? No. Can anyone in South Australia guarantee the cost of a project in four or five years' time?

We were actually addressed by some people in the mining industry just a couple of weeks ago. They told us that in this, I have to say, very buoyant economy—regardless of what the Leader of the Opposition would have you believe, that things were much better when the opposition was in government—mines that were estimated to cost $700 million actually cost $2.1 billion at completion, because they are in a very accelerated environment. I was advised by a member of the construction sector just last week that people are headhunting skills from that firm and offering 30 per cent higher salaries. These are the people who have to do the civil engineering. So, in an environment where the economy is growing so strongly under this government, more strongly than it ever has in its history, can I guarantee that things like 30 per cent increases in salaries will not have an effect on construction costs? I cannot.

However, I have to say that I prefer the difficulties we have now to the difficulties we had under the previous government, when nothing was built, nothing was being done, where we did not have $34 billion worth of projects in the pipeline. I was in my electorate last Sunday and went up the hill to Pasadena—

Members interjecting:

The Hon. P.F. CONLON: Members opposite hate hearing this. I went up the hill to Pasadena and I saw cranes on the CBD skyline everywhere I looked. These are projects for which we were criticised; his former World's Greatest Treasurer (whom he sacked), the Hon. Rob Lucas, criticised our precommitment to the City Central development. Well, I am pleased to see those cranes on the skyline, the cranes around Victoria Square, the heart of our city.

The economy is better than it ever has been, and if members of the opposition can come into this house and convince the people of South Australia that things used to be better under them, then all I can say is that I do not how they won so many seats at the last election.

Members interjecting:

The SPEAKER: Order!

SOUTH ROAD-ANZAC HIGHWAY UNDERPASS

Dr McFETRIDGE (Morphett): My question is again to the Minister for Transport. How many properties are still to be acquired to provide for the roadworks at the South Road-Anzac Highway underpass site, and what are the reasons for the delay in any acquisitions?

The Hon. P.F. CONLON (Minister for Transport): I will have to get the exact figure. I know that the service station is still under negotiation and I know that there is a certain health centre (in which the opposition has expressed an interest) that is still to be negotiated. However, I can tell the honourable member that the bulk of properties have been acquired by agreement—and we prefer to do it by agreement before moving to the use of the law. I will get an exact answer on that. There are one or two significant properties still to be acquired and one or two disputes about value, but I have to say that I am pretty pleased at the way things are going.

ABORIGINAL HEALTH WORKERS

Ms CICCARELLO (Norwood): My question is to the Minister for Health. What programs does the government have to encourage more Aboriginal people to become health professionals?

The Hon. J.D. HILL (Minister for Health): I thank the member for Norwood for asking this important question. I think all members would understand that, in order to improve the delivery of health services to Aboriginal people, having Aboriginal staff members is crucial to develop a culturally accessible system that addresses the needs of those Aboriginal people.

I am pleased to say that on Monday this week I had the pleasure of presenting scholarship awards to 18 young Aboriginal students who are the latest recipients of the Department of Health's successful scholarship program. Nine years ago there were only four identified Aboriginal nurses practising in the state of South Australia, there were no Aboriginal doctors, no Aboriginal allied health professionals and no Aboriginal dentists. Due to these worrying statistics, the SA Aboriginal and Torres Strait Islander Peoples Scholarship Investment Fund was created, and I acknowledge the fact that this occurred under the former government. I am pleased that at least in this area there is bipartisanship in relation to this program. I also acknowledge that Rotary Australia has worked with Health to establish the Rotary Health Research Fund.

The scholarship program aims to encourage Aboriginal people to undertake health degrees, to motivate and support students throughout their degrees and to assist with employment opportunities once they finish their studies. The scholarship is worth $5 000 per academic year for full-time study and I am pleased to say that many success stories have emerged. Approximately 100 students have been sponsored in South Australia since the inception of these programs, including six who have gone on to be doctors. Less than 10 years ago there were only four Aboriginal nurses in South Australia working and no Aboriginal doctors, and we now have six graduate Aboriginal doctors in South Australia. I met one of them the other night.

Currently, 43 students are being sponsored, including seven medical students, seven nursing students and many others in allied health professions, including a number who are studying midwifery, dentistry and a whole range of things. The latest recipients were honoured on Monday night at a ceremony at the Wine Centre and the highlight of the night was that two Aboriginal elders presented awards to five recent graduates. I want to honour those elders in Faith Thomas and Amy Levai. Faith Thomas was one of the first seven Aboriginal nurses in South Australia. She also told us that she was the first Aboriginal woman to play international cricket for Australia and she has been inducted into the sport's hall of fame. Her best figures were 6/0 and 9/15 in one match. Amy Levai was the first qualified Aboriginal teacher in South Australia. They both graduated and went into their professions in the 1950s.

In recognition of the 40th anniversary of the 1967 referendum, the ceremony also paid tribute to the Aboriginal Women's Council which, over the years, has provided essential services for Aboriginal people in South Australia,

including health, housing and legal rights. On behalf of all members I congratulate all the recipients of these scholarships and all the Aboriginal health professionals now working in South Australia. I congratulate the Aboriginal Health Division within the Department of Health which has been running this program for many years. We have seen comments in the media recently suggesting that little or no progress has been made in the area of health in Australia in relation to Aboriginal people. I suggest that this program, at least to some degree, counters that assertion.

FAMILIES AND COMMUNITIES DEPARTMENT

Ms CHAPMAN (Deputy Leader of the Opposition): Given that the Minister for Families and Communities told parliament on 3 May 2007 that his department was managing a $30 million budget blow-out by 'transferring resources from areas of low priority into areas of high priority', will he advise what the areas of low priority are?

The Hon. J.W. WEATHERILL (Minister for Families and Communities): The reality is that all things we do within the department have some worth and it is always difficult to manage when there are pressures in one part of the portfolio. Trying to manage those cost pressures is a difficult task, and the honourable member will have to wait until budget day to find out how we have done that.

INDIGENOUS LANDS CHALLENGE CUP

Mr BIGNELL (Mawson): My question is to the Minister for Aboriginal Affairs and Reconciliation. What was the significance of the Indigenous Lands Challenge Cup held on Sunday?

The Hon. J.W. WEATHERILL (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question. I must say that the first significance was that it was a much better game than the game that followed it, which was an absolute shocker.

Members interjecting:

The Hon. J.W. WEATHERILL: That's right. The result was interesting. APY Thunder got up again, although it was a narrower contest this year. Of course, it was the curtain-raiser to the Geelong-Port Power match, and it has become an annual—

An honourable member interjecting:

The Hon. J.W. WEATHERILL: Yes, it is Port Power.

The Hon. M.J. Atkinson interjecting:

The Hon. J.W. WEATHERILL: That's right. I will ignore the provocation from the Crows supporters on my left. This game has become an annual fixture. It is the curtain-raiser to an AFL match and it is called the Indigenous Lands Challenge Cup which is played between Maralinga and the APY lands. It is a game of practical and symbolic importance, and it has been a wonderful initiative. Rio Tinto provides sponsorship, as do a number of state government agencies. It has also become a very important rallying point for young people within these two communities. The benefits of the game to them are enormous; it is a very important part of the year and something they look forward to.

While they are down in Adelaide, they get to see a range of AFL players, who provide tremendous role models for them. To reach that level within the AFL, they have to apply an enormous amount of self-discipline and learn lessons about healthy living in order to achieve their tasks. They are a magnificent set of role models. Currently, about 70 indigenous players are on the AFL list, representing 10 per cent of all players. When you watch an AFL match, this becomes evident. Of course, 2 per cent of the population is indigenous, so this is one very good way in which Aboriginal people are over-represented.

However, it has not always been this way. In 1987, only a handful of indigenous players, such as Michael Long and Nicky Winmar, were in the league. Not only have they provided a wonderful set of role models for the rest of the Aboriginal community but they have also become very important leaders in their own right. They have set the scene for a number of Aboriginal players to come forward and take on a career with the AFL. The challenge for us is to redouble our efforts to ensure that Aboriginal people are represented across a whole range of occupations and endeavours. They have shown that it is possible to do so in the field of sporting endeavour, and we hope to see that replicated across a whole range of industries and communities.

COMPETITIVENESS COUNCIL

Mr PISONI (Unley): My question is to the Minister for Small Business.

Members interjecting:

The SPEAKER: Order!

Mr PISONI: Obviously, I'm a popular choice. Will the minister step aside as chair of the Competitiveness Council, as recommended by Business SA in its 2007 budget submission? In its 2007 budget submission, in relation to the government's commitment to cutting red tape, Business SA suggested that the appointment of an independent chairperson, along with accountable processes, is essential to allow business to effectively track the progress of reform and the council's level of success.

The SPEAKER: The Treasurer.

Members interjecting:

The SPEAKER: Order!

Mr Pisoni interjecting:

The Hon. K.O. FOLEY (Treasurer): Sorry, member for Unley?

Mr Pisoni interjecting:

The Hon. K.O. FOLEY: Anyone can ask me questions. I am egalitarian.

Mr Pengilly: Let the girls answer.

The Hon. K.O. FOLEY: Let the girls answer!

Mr HAMILTON-SMITH: On a point of order, Mr Speaker, the Treasurer has been on his feet for almost a minute and has not answered the question. He is wasting—

The SPEAKER: Order! The Treasurer needs to get to the answer.

The Hon. K.O. FOLEY: I just find it quite—

An honourable member: Offensive.

The Hon. K.O. FOLEY: —offensive and derogatory that the member for Finniss—

Mr HAMILTON-SMITH: Mr Speaker, I ask you to call the minister to order.

The SPEAKER: Order!

Members interjecting:

The SPEAKER: Order! I am on my feet. Can the Treasurer just get on with his answer. Let's get through this.

The Hon. K.O. FOLEY: Thank you, sir, and I will. I just find it, in this modern age, derogatory—

Mr HAMILTON-SMITH: Mr Speaker, I rise on a point of order.

The Hon. K.O. FOLEY: Protecting somebody, are we, Marty?

The SPEAKER: Order!

Mr HAMILTON-SMITH: The Treasurer is deliberately flouting your ruling, Mr Speaker. Either he answers the question or enters into debate.

The SPEAKER: Order! The Treasurer has the call.

The Hon. K.O. FOLEY: All I am saying is that you should not be saying, in this day and age, 'Leave the answers to the girls' or 'Let the girl answer.'

The SPEAKER: Order! The Treasurer has made his point.

The Hon. K.O. FOLEY: That is incredibly insulting. I am answering the question because it was a budget submission to me, a budget submission to the Treasurer. My guess is that the Minister for Small Business has not seen Business SA's budget submission—

Members interjecting:

The SPEAKER: Order!

The Hon. K.O. FOLEY: —but that submission is provided to me.

An honourable member interjecting:

The Hon. K.O. FOLEY: Well, she may well have read it; I don't know.

The SPEAKER: Order!

The Hon. K.O. FOLEY: All I am saying is that it is a submission to me. We do not always agree with Business SA—often, but not always. The minister is doing an outstanding piece of work in terms of the government's committed desire to significantly reduce red tape in South Australia. To suggest otherwise is a nonsense. The minister (the member for Chaffey) is an outstanding minister. Oh, the Leader of the Opposition is leaving us. See you, Marty; clearly, I am not worthy of being listened to by him. I am but a mere mortal. Do you know what? Business SA thinks that we should move to eastern standard time. We do not agree, neither do members opposite.

Business SA puts up all sorts of ideas. Some you agree with, some you do not. There is plenty in what Business SA says in that report that the opposition will not agree with—sacking the Adelaide City Council, for example. Do you agree with that? Silence. Come on; you will have to do much better than that if you want to take on the government.

TAFE FEES

Dr McFETRIDGE (Morphett): Before I ask the Minister for Employment, Training and Further Education a question, I thank him for his concern over my granddaughter's health. Lily has bounced back thanks to her excellent care at the Women's and Children's Hospital. Can the minister assure the house that the state government will not increase TAFE fees as a backdoor way of grabbing the recently announced federal budget's $500 fee assistance to TAFE students? The federal government provides up to $500 a year in assistance towards TAFE training fees to assist first and second year apprentices to help address the skill shortage. The state government has put up TAFE fees yet again from about $1 300 to about $1 900. Surely this sends the wrong message to young people and does not help to address our state's skill shortage.

The Hon. P. CAICA (Minister for Employment, Training and Further Education): I thank the honourable member for his question. We will continue to look at the fee structure within our organisation to ensure a couple of aspects. One is that we are able to adequately cover the costs involved in the delivery of that service, whilst at the same time making sure that we maximise the ability of the organisation to deliver training to as many people in the most effective way that we can.

VOLUNTEERING SA

Mr PISONI (Unley): Will the Minister for Volunteers advise what the impact will be on Volunteering SA as a result of the collective agreement signed by SA unions and Volunteering SA? In a media release on 14 May 2007, the minister described that agreement as promoting a close working relationship. However, when I contacted many of the volunteering organisations that are members of Volunteering SA, it was revealed that many had not been consulted and were not aware of the agreement. They include: Aged Care Homes, Anglicare South Australia, City of Port Adelaide Enfield, Unley Council, St John Ambulance, St John Ambulance Volunteers, the Cancer Council, Australian Red Cross, the Blind Welfare Association, Ashford Community Hospital, Lutheran Care Centre, Unley Salvation Army, and Guide Dogs for the Blind. I have personally rung all those organisations.

The Hon. J.M. RANKINE (Minister for Volunteers): As one of the girls on this side of the chamber, I am really happy to answer this question. This is one day off my 12-month anniversary of being asked a question by the shadow minister for consumer affairs. We are really happy on this side of the house to answer his questions.

Mr Hanna: You don't answer them.

The Hon. J.M. RANKINE: Yes, I do.

Mr Hanna interjecting:

The Hon. J.M. RANKINE: Absolutely. I will answer it. A few weeks ago, I was asked to speak at the signing of this memorandum of understanding, which I understand was a world first in South Australia. It was the signing of a memorandum of understanding between the trade union movement and the peak volunteer organisation in South Australia. In relation to the member for Unley's contacting member organisations of Volunteering SA, in fact Volunteering SA is responsible for its own consultation. The South Australian government is not responsible for the consultation and the South Australian government was not—

An honourable member interjecting:

The Hon. J.M. RANKINE: I said that they are responsible for their consultation.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: I said that they are responsible for their consultation. I did not say that there was no consultation: I said that they are responsible for their consultation.

Mr Pisoni interjecting:

The Hon. J.M. RANKINE: I am not saying that there was no consultation. You are saying there was not. I did not say that there was not. I said that they are responsible for their consultation.

Members interjecting:

The Hon. J.M. RANKINE: Anyway, far from being the sinister undertaking that those opposite would have us believe, this memorandum was simply about articulating shared principles and values about the mutual respect that the sectors have for each other. It was about commitments—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —in relation to legitimate expectations of both paid workers and volunteers. The memorandum of understanding includes, for example, the following principles: workers, whether paid or unpaid, are entitled to respect and dignity and to work in a social, economic and political climate in which neither is compromised by the other (how shocking is that!); SA unions respect and value the volunteering sector to the community at large; the volunteering sector respects the value of the union movement in the protection and interests of paid workers; and both parties agree that, while a volunteer job may add value to a paid job, it should never replace one. These principles are simply a clear statement of how the union sector and the volunteer sector can work together—

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —to ensure that the rights of both volunteers and workers can exist in harmony. Clearly, members opposite cannot bear to hear of anyone reaching an agreement with a union. This is recognition by the union of its reliance on volunteers—the special people in the workplace who are prepared to put themselves forward to support and encourage their work mates and to ensure that workplaces are safe and that workers receive their entitlements. We know that members opposite have a fundamental problem with that. This is a great shift forward by both the volunteer sector and the union movement in recognising the value to our community of both sectors. It also recognises how reliant every organisation in South Australia is—

An honourable member interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: —on the goodwill and spirit of volunteers—people who are prepared to give every day in our community. As I have said on numerous occasions—and as I will say again and again—we are leaders in South Australia with community participation. We have approximately 51 per cent of people volunteering. As I told the house today, we had them waxing lyrical just a few days ago about the South Australian government paying for free police checks for every volunteer. They want us to fork out $17 million for volunteers who do not even need to be checked.

Members interjecting:

The SPEAKER: Order!

The Hon. J.M. RANKINE: We pay for those who need police checks, that is, the people working in community organisations with vulnerable people—

Members interjecting:

The SPEAKER: Order!

Members interjecting:

The SPEAKER: The house will come to order. Does the minister have anything else to say?

The Hon. J.M. RANKINE: No, sir.

NATURAL RESOURCES COMMITTEE

The Hon. S.W. KEY (Ashford): On behalf of the member for Enfield and by leave, I move:

That the committee have leave to sit during the sitting of the house for the remainder of the session.

Motion carried.

EGG PRODUCTION

The Hon. R.J. McEWEN (Minister for Agriculture, Food and Fisheries): I seek leave to make a ministerial statement.

Leave granted.

The Hon. R.J. McEWEN: The member for Schubert, who would not know the difference between a cobweb and the worldwide web, ought to stay for this one.

Mr Speaker, I wish to bring to your attention some matters in relation to cage egg production. I wish to update the house on the progress in developing regulations relating to cage egg production in South Australia. In doing so, I intend to put in the appropriate context the misleading and selective remarks made in this place yesterday by the member for Schubert and, equally, to acknowledge the work of the previous and present shadow ministers who work in a very cooperative way outside this house to ensure that bipartisan decisions of this nature are followed through with, and that we do not provide misleading information to the industry.

Mr Venning: I cannot hear.

The SPEAKER: Order! The house will come to order. If the member for Napier and the Leader of the Opposition wish to have a discussion, I suggest that they take it outside.

The Hon. R.J. McEWEN: I understand why your colleagues would want it so you could not hear. I remind the house first that the meeting of the commonwealth, state and territory governments in the year 2000—at the time when minister Kerin was the minister representing this state—agreed that by 1 January 2008 all jurisdictions would legislate to decommission cage systems that did not meet the new animal welfare standards determined by the resolution at that meeting; quite an unequivocal decision made in the year 2000 around the whole of Australia and a pledge by all states to implement it by 2008. The resolution provided for an eight-year time line to allow the cage egg industry to adjust to the changed welfare requirements rather than provide financial assistance for adjustment.

At the request of the South Australian egg industry, the South Australian government has agreed it will not regulate in a manner that disadvantages South Australian producers relative to their interstate counterparts. Until the details of the New South Wales regulations—which are being currently sought—become clear, the South Australian regulations will not be able to be finalised. In the interim, the South Australian government has convened a working party consisting of industry, including Warren Starrick and animal welfare representatives, to consider the appropriate South Australian regulations. The Minister for Environment and Conservation, who has legislated responsibility for this matter, is currently preparing draft regulations in accordance with the recommendations of the working party, and these draft regulations and associated regulatory impact statements will be released for a period of public consultation in the near future.

Through Primary Industries and Resources SA, the government has been exploring with the industry possible ways to secure a modern, viable egg industry for South Australia, and this work will continue. But, mark my word: SAFF, the egg industry, is very aware that we will enforce, and I have made it very clear to the industry for the last eight years that we will honour the decision made in 2000. There will be no slippage on it just because people come and lobby the member for Schubert, who chooses to misrepresent the situation in this house.

Mr Venning: That's shabby.

The Hon. R.J. McEWEN: Be careful what you say.

GRIEVANCE DEBATE

INDEPENDENT COMMISSION AGAINST CORRUPTION

Mrs REDMOND (Heysen): I rise today to talk about an issue that has recently been in the press and media, concerning the Independent Commission against Corruption, and the idea that this government needs to appoint such a commission. Of course, in some states—as the leader mentioned in his question at the outset of today's question time—New South Wales, Queensland and Western Australia already have a commission against corruption, and the Liberal Party for a long time, of course—indeed, I think, during the time before I came in—had been opposed to it. However, it has been the behaviour of the Rann government that has persuaded the Liberal Party, prior to the last election, that we do, indeed, need to establish such a commission. We have not yet settled on what model it should be or what particular form it should take and, therefore, we cannot provide costings, but we will certainly come up with that well before the next election, because I think that the community is becoming increasingly frustrated with some of the problems that have occurred.

I want to look at some of the issues that have occurred during this Rann Labor government that I believe could have been better dealt with had we had an independent commission against corruption. First, there was the issue which led to the Premier's then senior adviser, Mr Randall Ashbourne, being charged with corruption in relation to an alleged incident, which was not even reported to the Anti-Corruption Branch for over six months after it occurred. Then we had aspects of the Eugene McGee case which necessitated the appointment of a royal commissioner. Every time we set up a royal commission there are a whole lot of setting up and running costs which really could be overcome if we had an independent commission against corruption to deal with them at the outset.

The stashed cash affair involving the Attorney-General and the Crown Solicitor's Trust Account necessitated the establishment of two parliamentary inquiries. We could have done that sort of thing through the offices of an independent commission against corruption. We had issues concerning the government's initial refusal to appoint what has clearly been quite a successful and lengthy investigation (known as the Mullighan inquiry) into the sexual abuse of wards of the state. This government was dragged kicking and screaming to that, in spite of evidence that we brought forward day after day for a period of about six months, and this government would not listen to anything we had to say about that.

We have had the actions of this government undermining numerous DPPs. It brought in an Eliot Ness not too long ago with great fanfare—most extraordinary fanfare, for the appointment of a senior public servant. I am pleased to see that, just like Wendy Abraham before him and Paul Rofe before that,he has been a very independent DPP, as he should be and as his appointing legislation requires him to be. But there have been issues about this government wanting to interfere with the DPP, the Parole Board and the judiciary. This government has even criticised lawyers because of their hair cuts. It has done a lot to damage public confidence in our judicial system.

I keep saying to people that no-one suggests our judicial and legal system is perfect. It is far from it. It needs constant attention, constant scrutiny and constant attempts to improve it, but it is fundamentally a sound system. It is fundamentally not a corrupt system and we need to have faith in that. But this government has done everything it can, it seems, on every front, to damage public confidence. I believe that the appointment of an independent commission against corruption would do a great deal to improve public confidence and restore public confidence, which has been damaged by this government, in our judicial processes.

One of the problems I have is things such as a police anti-corruption branch. There may be a place for that, but the fact is most people who have a complaint about the police do not feel very comfortable going to a police organisation to have that complaint heard and determined. There is a saying in the law that justice must not only be done but it must manifestly be seen to be done. We saw in the paper last week issues involving the federal Labor leader and conflict of interest. There is obviously a problem of at least the appearance of conflict of interest when police are investigating police. It is impossible for them to be seen to be doing that at arm's length.

For those sorts of reasons, it is our view now that this government needs to face up to the fact that it needs to ensure that this state maintains its good record. I do not believe it is a place where there has been rampant corruption, which I saw commonly when I lived in New South Wales in the early 1970s—

Mr Piccolo: And Queensland.

Mrs REDMOND: —and, as one member points out, as happened in Queensland. But the fact is that we need to protect ourselves against problems arising in the future by appointing such a commission.

Time expired.

LIBERAL PARTY

Mr KOUTSANTONIS (West Torrens): While I do not agree with the member for Heysen, I recognise her and respect her as a smart, intelligent and independent woman, not a girl. The idea that a member of parliament can get up and collectively call all women on this side of parliament girls, and reflect on their careers and contributions, I find, quite frankly, coming from me, offensive.

Ms Breuer: He's turned over a new leaf!

Mr KOUTSANTONIS: I haven't, trust me. I recently witnessed what I think is the true state of the Liberal Party in its natural form. Just before I begin, I want to make the point that I know lots of members opposite, and I consider some of them to be my friends, and I know that they are decent people, but fundamentally they are an organisation that is, in my opinion, compromised. They had a fundraiser recently and at that fundraiser former liberal MP Michael Pratt, who won in a by-election in 1988 and then the people of Adelaide got smart and threw him out in 1990—

Mr Pisoni interjecting:

Mr KOUTSANTONIS: He beat Don Farrell, after a racist campaign, and it continues, after they attacked his wife. During this fundraiser, this is what the Liberal Party fundraiser said. It said: there's only one thing worse than Aboriginal land rights, and that's a Greek with land rights. At that fundraiser was the heir apparent to the leadership of the Federal Liberal party, Peter Costello. Also at that fundraiser was the Leader of the Opposition. Did they all laugh? Did

they think it was funny? After that, there was another incident. The Greek Prime Minister arrived in Adelaide, the first visit of a Greek Prime Minister to Australia in 50 years, in fact ever, since the Hellenic state was established. His visit meant a lot to Greek Australians. It meant a lot to my parents who were lucky enough to meet him. It meant a lot to me, even though I am not from the same political party, but it meant a lot to me to hear a Greek Prime Minister get up and say to my parents, 'Thank you for your sacrifice. You left our country and we know you did not want to, but we know you had to. Thank you. Thank you for doing that.' There was not one liberal MP at that function.

Mr Pisoni interjecting:

Mr KOUTSANTONIS: No-one was invited; it was an open invitation to the public. Aren't you members of the public anymore? The Liberal Party needs an invite, an invite to ethnic communities—'Oh, unless we're invited we won't turn up.' Well, it's all about politics isn't it.

Mr Pisoni interjecting:

Mr KOUTSANTONIS: What? You want me to invite Martin Hamilton-Smith? It was the Greek Consul who organised this trip. The Greek Consul had an ad in every major paper; every major media event said that this is a non-government event, this is a Greek community event; come and meet our Prime Minister.

Ms Portolesi: Not a political event.

Mr KOUTSANTONIS: Not a political event. Did any Liberal MP turn up? No. It gets worse. Ms Maria Kourtesis was pre-selected for the Senate, in the No. 4 position—the unwinnable spot, but I liked her optimism. Then there was the shock resignation of Amanda Vanstone after getting dumped. According to *The Advertiser*, and Greg Kelton, an excellent reporter, she has written a letter asking for an appeal, because they are campaigning against her, they are all sending letters out against her saying that she is ineligible because she is Greek.

Ms Portolesi: Why?

Mr KOUTSANTONIS: Because of her heritage. They claim that she is not eligible to sit in the federal parliament because of her ethnicity. I mean, Madam Deputy Speaker, if it looks like it, walks like it and quacks like it, call it what it is: it's racist. Put the Greek girl in parliament. But they won't do it. Why? Because her last name is hard to pronounce. What an outrage.

Ms Portolesi: And the leader wants the multicultural vote.

Mr KOUTSANTONIS: And the leader wants the multicultural vote. You know, some of my best friends are Greek, some of my best friends are Italian, some of my best friends are black. Paul Keating was right about this lot: if you scratch them on the surface they come up racist.

The DEPUTY SPEAKER: Order! The member's time has expired.

Mr Pisoni interjecting:

The DEPUTY SPEAKER: Order, member for Unley!

WATER SECURITY

Mr WILLIAMS (MacKillop): I always enjoy getting the call after the member for West Torrens, because it is great to be able to say that yet again he has made a most scurrilous speech and he might look at himself and question why he has not moved up the political ladder in the almost 10 years he has been in this place. If he actually started to address some serious matters and gave them some serious thought and made some serious speeches in this place he may get recognised by the leadership group and actually move up the political ladder, but if he keeps carrying on with that sort of garbage I can understand why the leadership has left him right where he started. I have more important things to talk about than getting down in the gutter with the member for West Torrens.

I want to talk about water and water security, and the lack of action, understanding and decision making by this government and this minister with regard to water security. However, before I do that I want to go back to an answer given in the house two days ago by the Minister for Water Security regarding the barrages and sea water leaking through them into Lake Alexandrina. In her eagerness to put down and belittle the opposition, I believe the minister made some very fundamentally erroneous statements to the house. First, she made light of the fact that she was not there when the barrages were designed and said that, of course, the barrages were designed to keep fresh water in and not designed to keep salt water out. How wrong is that? In fact, the barrages were designed to keep salt water out. There was never a design to actually keep all the fresh water in because, in reality, most of it does flow out. The barrages were designed to keep the salt water out.

I had a phone conversation this morning with a member of the public down near the barrages, who told me that the design of Mundoo, Boundary Creek and Goolwa barrages is perfectly symmetrical. They have the same ability to stop water flowing whichever side of the barrage the head pressure is greatest. The reality is that the barrages are still leaking, and they are leaking salt water into Lake Alexandrina—they have been doing it since Easter, almost two months ago. When the minister was asked why she did not foresee this, when she knew that the lake level was going to drop, she set about trying to convince the house that the barrages were incapable of keeping salt water out. That is plainly not right.

The other mistake the minister made is that she told the house that 'we have built standpipes at Meningie on the end of the Narrung jetty, Hindmarsh Island and Goolwa'. As of this morning, when my office contacted the Alexandrina Council, we were told that the standpipe on Hindmarsh Island will be put in next week. So farmers down there, who are struggling because they cannot pump water out of the lake because of the government's incompetence in keeping sea water out, do not have access to a standpipe on Hindmarsh Island. That access will not be available until at least next week, in spite of the minister telling this house two days ago that standpipes had been built at those various sites. That was plainly wrong. It is a pity that the minister does not get her facts right when she comes into this place and belittles the opposition for genuine questions it asks on behalf of constituents.

Let me move to another matter that was also raised in the house on Tuesday: how businesses or industry along the River Murray are to be treated come 1 July should we have zero water allocations. Will they be treated the same as industry in Adelaide or in those towns along the river that get their water via SA Water? I am talking about businesses which use water for industrial purposes and which pump it directly from the river themselves with a general use water allocation. We are only four weeks away but the minister cannot answer the question; she cannot tell those businesses what their future will be. So, we have significant businesses up and down the river who pump water out for industrial purposes, and the minister still cannot tell them, only four weeks out, what their future will be come 1 July.

Time expired.

GAWLER HIGH SCHOOL

Mr PICCOLO (Light): Today I would like to speak about Gawler High School, a school within my electorate. The school is celebrating its centenary this year, and I am proud to stand here as an old scholar and member of the governing council of the school and advise the house of the school's fine history. The centenary celebrations started this year, with the official launch on 14 February conducted by the minister, Dr Jane Lomax-Smith. At the launch the minister recognised the ongoing contribution the school is making to the general community. The minister made comments about the achievements of both former and current students in the fields of conservation, science, vocational education and training, and public service. The minister also recognised the numerous awards that the school has won as a result of its commitment to excellence by staff and students. It has won awards for innovation, vocational training, agriculture, rugby and the environment. The minister also acknowledged some distinguished old scholars, namely, Clark Cameron (a former federal member of parliament), Darren Lehman (international cricketer), Stephen Trigg (CEO of the Adelaide Crows), Greg Crafter (a former minister in this house)—

Ms Bedford: —in the Dunstan government.

Mr PICCOLO: —correct—Lisa Martin-Ondeiki (Commonwealth Games medal winner), Max Fatchen (poet and author), Glenn Shorrock (musician and songwriter), Brian Sambell (the current mayor of Gawler), Lyndall Bain (the Principal of Banksia Park International High School), Naomi Arnold (the district director for the Barossa in the department of education), Ben McEachen (film critic and writer with *The Advertiser*), Terry Lane (from the ABC), Ian Hickinbotham (scientist) and Senator Simon Birmingham. As you can see the school has a list of distinguished scholars.

Mr Bignell: Did you go there?

Mr PICCOLO: Yes, I went there as well, thank you, but some would not refer to me as distinguished. The school opened in—

Ms Bedford: Not in that tie.

Mr PICCOLO: Not in that tie. The school opened in 1907 as the Gawler School of Mines. The first headmaster was Mr E.G. Mitton who held the position for the first four years. It then became the Gawler District High School in 1910 when it moved to the site on Lyndoch Road at Gawler East. The school remained there for over 60 years until it moved in the early 1960s to the current Barnett Road site where I was a student during the 1970s. Many ex-students from Gawler High School served in the two world wars and gave their lives.

Today, the school prides itself on its broad and balanced curriculum which helps students to fully develop their potential as leaders in the community in their chosen field. Earlier this month I attended the centenary gala dinner and the back-to-school day on 20 May. Over 1 000 old scholars returned to the school to reminisce about their school days. Like them, I hold fond memories of my school days at Gawler High. In fact, I met a group of women who came to the back-to-school day who had not seen each other for 55 years.

Mr Venning: Are you that old?

Mr PICCOLO: Yes, I am. I hold my age well, unlike the member for Schubert. At the open day a number of sculptures were unveiled which symbolised the school's focus on environmental sustainability. The school has won a number of awards in the area of environmental sustainability and it is leading in this area in terms of both curriculum and activities at the school itself. The centenary celebrations will continue throughout the year. I congratulate the school community for maintaining their record of achievement and I wish them a very successful 100th birthday.

VOLUNTEERING SA

Mr PISONI (Unley): I would like to draw attention to a recent agreement signed between Volunteering SA and SA Unions. It claims to flow from a sense of shared values about the nature of paid and unpaid work. It states that SA Unions and Volunteering SA represent people power in South Australia. The immense contribution made by volunteers and not-for-profit organisations, which enriches our state and the lives of so many in our community, is well recognised. It is also beyond doubt that, with over 50 per cent of the population engaging in volunteering activity, Volunteering SA, as the peak umbrella organisation of volunteers, promotes and facilitates people power. However, I fail to see the link between the selfless values of volunteers who represent more than 50 per cent of the population and the self-interested lobby group in SA Unions which represents a mere 15 per cent of the private sector work force. Just what sort of core values has Volunteering SA publicly linked itself with in this agreement with SA Unions?

Under the heading of 'Shared care values' in the agreement, it states that all paid workers have a right to just and favourable remuneration and that all paid workers have a right to join trade unions for the protection of their interests. It is a no-brainer, really. Who would argue with the theory? It is in the practice that things start to come adrift—ask the staff at the Port Adelaide Enfield council. Despite overwhelming support for a very favourable long-term agreement signed with the council, the Australian Services Union withdrew from its talks simply because of an ideological problem with the collective agreement signed under the federal government's new legislation. In other words, it walked away from the best interest of its members and from the good deal they were being offered. They took their ball and went home for a sulk.

This brings us to the attitude of Janet Giles of SA Unions to volunteer organisations that do not fall into line with its ideological mindset. Who could forget the appalling spectacle in October last year of Janet Giles picketing the Cancer Council, a respected not-for-profit organisation, which does fantastic work in our community, simply because 94 per cent of its workers chose to go into an AWA. On this occasion, Janet Giles chose to bully this organisation (a member of Volunteering SA) without even asking the workers inside what they thought or speaking to the CEO to get the facts. I seriously doubt that Volunteering SA or any South Australian volunteer would condone the type of values and behaviour shown on this occasion by SA Unions. No doubt, this event is also remembered with less affection by the children of the staff of SA Unions who were dragged onto the picket line as part of Auntie Janet's harassment squad, rather than being allowed to do something fun or constructive in their school holidays.

I am concerned that, through this agreement, volunteers in South Australia have been linked to SA Unions without the

level of consultation one might expect in this situation. In her media release of 14 May, the minister stated:

> The agreement is a direct result of talks between organisations and individuals within the volunteering sector and members of SA Unions. I was also assured by the CEO of Volunteering SA that consultation had been comprehensive.

However, I have been asking around, and it seems that consultation at an organisational level was rudimentary at best and, at volunteer level, non-existent. Many member organisations I have contacted assured me that they either had no knowledge of being consulted, or did not respond due to disinterest, or because, as people with important and good deeds to do, they had higher priorities. These organisations include: Aged Care Homes Group, Anglicare SA, City of Port Adelaide Enfield (funny about that one), Unley council, St John Ambulance, St John Ambulance Volunteers, Cancer Council, Australian Red Cross, Blind Welfare Association, Ashford Community Hospital, Lutheran Community Care, Unley Salvation Army, and the Guide Dogs for the Blind Association. These are not fringe groups.

MINING BOOM

Mr BIGNELL (Mawson): I rise today to talk about the mining boom in South Australia. In the past four years, we have seen a staggering 433 per cent increase in mineral exploration expenditure. Last year alone, $191 million was spent on mineral exploration. A further $147 million was spent on petroleum exploration in 2006. The really exciting investment figure relates to geothermal exploration and demonstration works programs during the next five years worth more than $500 million. If we can harness the enormous potential of hot rocks technology, we in South Australia will not only have the greenest energy generation in Australia but we will bring millions of dollars into the state.

While most people in this place on both sides of the house would be well aware of the huge economic impact of the mining sector, we all need to play our role in spreading the word through our electorates. While places such as Woodcroft, Willunga and Hackham may be a long way from Roxby Downs, Moomba and the Eucla Basin, our economic futures are closely linked. The Rann Labor government has invested heavily in the mining sector during the past five years, with most of the exploration and private sector investment coming back to the state-funded investment. Our return on that investment will be worth many times more than the initial outlay. For every dollar's worth of minerals taken out of the ground, the government will receive about 3¢ into the state's coffers. That is money that would further diminish the tax burden on South Australians.

It is money that the government will be able to put into our schools, hospitals and infrastructure. But there are also more direct financial windfalls for the people of South Australia. For every mining job created by this boom, it is estimated that a further three or four jobs are created in other sectors. In other words, the mining companies will need their own infrastructure and products that will come from all parts of South Australia—a long way from the mine face. The light industrial manufacturers of Hackham and Lonsdale will have new, larger markets, and there will be big rewards for companies that use initiative and flexibility to go after these new markets. For the food and wine producers of McLaren Vale and Willunga, the mining boom will bring more people to South Australia to eat and drink the top quality products of our area.

I think we need to do more to spread the word in our schools. Today I have written to schools in our area to ask if they need more information about the mining boom and the future job prospects for our present-day primary and secondary school students. Management and staff from Primary Industries have volunteered to go out to the schools to speak with teachers and students, which I think is fantastic. We can motivate students to look to mining as a career, or perhaps it will lead them into an associated career such as science, commerce or manufacturing. The South Australian Chamber of Mines and Energy is also doing an excellent job in spreading the word of the pending mining boom and the associated opportunities through our schools.

The resources industry is committed to working in partnership with educators at all levels throughout South Australia to provide enriched learning opportunities for students and resources and professional development for educators. They are going into schools to spread the word of what is a bright future for our state. I am one of those who believe that seeing things in action is a great way to educate people of all ages. I will be writing to the Speaker to ask if I can use my parliamentary travel allowance to put it towards taking about 40 secondary students and teachers from various schools around the electorate of Mawson on a tour of some of our big mines in the Far North.

I think that taking the students up there, showing them around the mine, showing them what the future of this state involves, can perhaps lead to their going on to careers, not just in mining, but also starting up their own business in the southern suburbs in the area around Mawson, or going to work for companies allied to the mining sector which provide goods and services for what is a huge growth area in our state. I will wait to see whether the school mining trips can be done in conjunction with the industry but, in the meantime, I will be out there helping the government and the Chamber of Mines and Energy to spread the word of the career and economic opportunities that are available in this great state.

I think that we need to spread the word from beyond the business sector, from beyond the CBD—indeed, from beyond this parliament—into our local industries and local schools. We are very excited about the potential mining boom that we are about to enjoy, but we need to make sure that everybody else is coming along for what will be a wonderful ride.

STATUTES AMENDMENT (PETROLEUM PRODUCTS) BILL

The Hon. P.F. CONLON (Minister for Transport) obtained leave and introduced a bill for an act to amend the Controlled Substances Act 1984 and the Petroleum Products Regulation Act 1995. Read a first time.

The Hon. P.F. CONLON: 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.

> The *Petroleum Products Regulation Act 1995* has been reviewed as required under clause 5 of the Competition Principles Agreement to which the South Australian Government is a signatory. National Competition Policy requires State Governments to review their

legislation and remove any anticompetitive provisions, unless it can be demonstrated that there are net benefits to the community as a whole. Competition Policy also provides for consideration to be given to the impact on specific industry sectors and communities, including expected costs in adjusting to change, from restriction to competition.

The scope of the *Petroleum Products Regulation Act 1995* is quite broad, covering not only licensing requirements for petroleum wholesalers and retailers and the role of the Petroleum Products Retail Outlets Board, but also safety and environmental requirements, the framework for controls during periods of restriction and rationing, provisions relating to the payment of subsidies, correct measurements and the sale of petroleum products to children.

The primary objective of this legislation, first introduced in 1973 as the Motor Fuel Distribution Act, was the control of the number and location of petrol retail outlets in order to reduce their proliferation.

Officers of the Department of Treasury and Finance and the previous Department for Administrative and Information Services reviewed the Act, following Legislation Review guidelines. The Review demonstrated that this goal is no longer relevant, in that the number of outlets has declined significantly both in this State (with an average of 22 net retail closures per annum since 1997) and nationwide, despite the absence of comparable legislation in other States. Market forces have, therefore, operated to determine whether new outlets should be opened (or existing sites closed). These market decisions, however, have been constrained in South Australia by licensing requirements that prevent the opening of new sites in proximity to existing sites.

South Australia is the only State that specifically regulates the establishment of retail petrol outlets. In other States the establishment of retail petrol outlets, as of any other business, is regulated pursuant to local government planning legislation.

The Review, therefore, considered that the main restriction on competition under the Act is the requirement for petrol retail outlets to be licensed (ie, to have authorities to make prescribed retail sales of petroleum products), and considered that the role of the Board, in combination with the licensing system as a whole constitutes a serious restriction on competition.

Furthermore, the Review found that in this case the benefits of the current licensing requirements appear to accrue to existing industry participants (large and small), rather than to consumers and the wider community. The abolition of the Petroleum Products Retail Outlets Board and the replacement of the current approval process will result in a streamlined system that automatically licenses applicants subject to adherence to planning, environmental and safety regulations.

The Government has endorsed the Review recommendations, including abolition of the Board and the requirement for an authority to make "prescribed retail sales" of petroleum products.

Retail and wholesale licences to sell will be retained in order to facilitate administrative requirements in relation to the payment of subsidies, controls during periods of restriction and rationing and administration of the Environment Protection and Dangerous Substances Acts. This will encompass motor spirit and diesel (both of which attract subsidies), but LPG will continue to be excluded (although a licence to keep will still be required under the Dangerous Substances Act).

Quite apart from national competition considerations, duplication of controls were also identified. This duplication will also be addressed by moving, where possible, the provisions of the Petroleum Products Regulation Act into general legislation enforcing the respective provisions. As such:

- the requirement for a licence to 'keep' petroleum products will be removed as this largely overlaps with the Dangerous Substances Act, which requires a licence to keep various dangerous substances in high volumes to ensure the safety of self, others and property;
- the requirement for a licence to 'convey' petroleum products is in practice administered under the Dangerous Substances Act. Accordingly, the requirement for such a licence under the Petroleum Products Regulation Act will be removed;
- the need for approval to install an industrial pump will also be removed, as, with the abolition of the authority for prescribed retail sales, this requirement becomes redundant. A licence under the Dangerous Substances Act to keep petroleum products will still be required;
- the provisions relating to correct measurements will be repealed as they are covered by the *Trade Measurement Act 1993*;
- the provisions relating to periods of restriction and rationing will be strengthened to put it beyond doubt that licence conditions imposed during a period of restriction may validly prohibit the sale of a restricted petroleum product (eg, in a specified area or from certain sites or on certain days or during certain hours).

In addition, the Review found that general safety and environmental issues were duplicating provisions existing in the Dangerous Substances Act. Similarly, the issue of improvement and prohibition notices duplicates the powers of authorised officers under the Dangerous Substances Act, which regulates the health and safety conditions of persons dealing with dangerous substances, public safety and the protection of property and environment. The Dangerous Substances Act has greater powers and associated penalties than the Petroleum Products Regulation Act.

The only other provisions remaining in relation to safety are those dealing with the sale of petroleum products to children, and these provisions will be incorporated in the *Controlled Substances Act 1984*.

In order to reduce administrative burden, the Review suggested less frequent renewal of licences and the Government has approved the move to a 2 year renewal period.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Controlled Substances Act 1984*

4—Amendment of section 19—Sale or supply of volatile solvents

(1) This clause is consequential on clause 17 which repeals Part 7 (consisting of section 41) of the Petroleum Products Regulation Act.

(2) Section 19 of the Controlled Substances Act makes it an offence to sell or supply a volatile solvent to another person if he or she suspects, or there are reasonable grounds for suspecting, that the other person intends to inhale the solvent or intends to sell or supply the solvent to a further person for inhalation by that further person. The maximum penalty is $10 000 or 2 years imprisonment.

(3) New subsection (2) extends the provision so that a person commits the offence at the point of purchase rather than just at the point of supply to another for inhalation. This is the approach taken in section 41 of the Petroleum Products Regulation Act.

(4) New subsection (3) makes it an offence to sell or supply a volatile solvent of a kind specified in the regulations to a person under an age specified in the regulations. It is proposed to specify 16 years in relation to petroleum products but other arrangements may be appropriate for different types of volatile solvents. The maximum penalty of $10 000 is equivalent to that for selling a prescribed poison to a child (see section 16(1)).

(5) New subsection (5) empowers an authorised officer to confiscate a volatile solvent if there is reason to suspect that the person has the product for the purposes of inhalation. This is the approach taken in section 41 of the Petroleum Products Regulation Act.

(6) New subsection (6) provides that confiscated petroleum products are forfeited to the Crown and may be sold, destroyed or otherwise disposed of as the Minister or the Commissioner of Police directs.

Part 3—Amendment of *Petroleum Products Regulation Act 1995*

5—Substitution of long title

This clause substitutes the long title to reflect the changes made to the Act by this measure.

6—Amendment of section 4—Interpretation

This clause removes definitions used in provisions of the Act repealed by this measure.

7—Amendment of section 7—Non-derogation

This clause is consequential on clause 12 which repeals section 16.

8—Substitution of section 8

Currently section 8 makes it an offence punishable by a maximum fine of $10 000 to keep, sell (by retail sale or wholesale) or convey petroleum products, or to engage in an activity of a prescribed class involving or related to petroleum products, unless authorised to do so under a licence. It also prohibits a prescribed retail sale of petroleum products unless the sale is made from premises specified in the licence for that purpose.

Proposed section 8 makes it an offence punishable by a maximum fine of $10 000 to sell petroleum products by retail sale or wholesale unless authorised to do so under a licence.

9—Amendment of section 10—Licence term etc

This clause increases the term of a licence from 1 year to 2 years.

10—Amendment of section 11—Conditions of licence

This clause is consequential on the repeal of Parts 4 and 6.

11—Amendment of section 12—Variation of licence

This clause is consequential on the repeal of the provisions relating to prescribed retail sales.

12—Repeal of sections 14, 15 and 16

This clause is consequential on the amendments to Part 2 and the repeal of Part 4.

13—Amendment of section 17—Offence relating to licence conditions

This clause is consequential on the repeal of Part 6.

14—Repeal of section 19

This clause is consequential on the repeal of the provisions relating to prescribed retail sales.

15—Repeal of Parts 3 and 4

This clause repeals Part 3 which requires approval to install an industrial pump and Part 4 which imposes general safety and environmental duties and empowers authorised officers to issue improvement notices and prohibition notices.

16—Amendment of section 34—Controls during periods of restriction

This clause empowers the Minister to give directions, and impose conditions on licences, prohibiting the sale of petroleum products during periods of restriction.

17—Repeal of Parts 6 and 7

This clause repeals Part 6 which requires compliance with the *Trade Measurement Act 1993* and Part 7 which prohibits the sale of petroleum products to children.

18—Amendment of section 44—Powers of authorised officers

This clause is consequential on the repeal of Part 4.

19—Amendment of section 47—Appeals

20—Amendment of section 64—Regulations

These clauses are consequential on the amendments to Part 2 and the repeal of Part 4.

21—Repeal of Schedules 1 and 3

This clause repeals Schedule 1 which established the Petroleum Products Retail Outlets Board and Schedule 3 which contains spent transitional provisions.

Mr VENNING secured the adjournment of the debate.

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

The Hon. P.F. CONLON (Minister for Transport) obtained leave and introduced a bill for an act to amend the Public Finance and Audit Act 1987. Read a first time.

The Hon. P.F. CONLON: 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.

The *Public Finance and Audit (Certification of Financial Statements) Amendment Bill 2007* ('the Bill') amends the *Public Finance and Audit Act 1987* ('the Act') to strengthen the requirement for Chief Executives to provide certification of a public authority's financial statements.

Section 23(2) of the Act requires Chief Executives and the officers responsible for financial administration to provide the Auditor-General with a certificate that the financial statements "are in accordance with the accounts and records of the authority and give an accurate indication of the financial transactions of the authority for that year and, in the case of a prescribed public authority, the financial position of the authority at the end of that year." These certification requirements have remained unchanged since 1987. The requirements of section 23(2) do not reflect changes to financial reporting practices and related requirements that have occurred in the last twenty years.

Accounting Policy Statements issued by the Treasurer, pursuant to Treasurer's instructions, have expanded on the legislative certification requirements. However, this has led to a lack of clarity as the Act sets out certain certification requirements, while the Accounting Policy Statement certification requirements reflect both the provisions of the Act and other requirements reflecting current practices.

The Auditor-General in his report for the year ended 30 June 2005 raised concerns that the legislative requirements for certification of financial statements by agencies did not reflect current financial reporting practices. In that report, the Auditor-General noted that "the certification obligation is a critical underpinning of the accountability processes applied" in the preparation of a public authority's financial statements and advised that "the requirements of the certificate as currently specified in the Accounting Policy Statement should be reflected in section 23(2) of the *Public Finance and Audit Act 1987*".

In correspondence to the Under Treasurer in relation to this matter, the Auditor-General noted the existing inconsistencies "between the statutory requirements and accounting requirements regarding the form and content of the certificate". He advised that certification is critically important to the "integrity and transparency of disclosures and representations associated with an agency's financial statements", and that "any uncertainty regarding the form and content of the certificate can undermine the strength of financial accountability". The Auditor-General suggested that an amendment to the Act was required to ensure that the form and content of the certificate reflect up to date financial reporting practices and requirements.

The Bill addresses the Auditor-General's concerns. It requires that the financial statements provided to the Auditor-General be accompanied by a certificate as to compliance with the requirement that the financial statements are in accordance with the accounts and records of the authority, and comply with any relevant Treasurer's instructions and any relevant accounting standards, and present a true and fair view of the financial position of the authority at the end of the financial year and the results of its operations and cash flows for the financial year. The certificate must be signed by the Chief Executive, the officer responsible for financial administration and, for a public authority that has a governing body, the presiding member of the governing body.

To reinforce the seriousness of the integrity of the certificate, the Bill provides in section 23(2b) that a person who intentionally or recklessly provides a certificate that contravenes these requirements is guilty of an offence and establishes a maximum penalty of $5 000.

The Bill also requires that Chief Executives, officers responsible for financial administration and, where applicable, presiding members must include in the certificate a statement as to the effectiveness of internal controls over financial reporting and preparation of statements over the financial year. Failure to comply with this requirement is not an offence under section 23(2b).

The Bill requires the Auditor-General's report to include a statement as to whether in the Auditor-General's opinion the financial statements of each public authority reflect the authority's financial position and the results of its operations and cash flows for the financial year. This is an expansion of the current requirement which requires the Auditor-General's opinion on whether the financial statements of the authority reflect the financial transactions of the authority, as shown in the accounts and records of the authority, and, in the case of a "prescribed authority", whether the statements reflect the financial position of the authority.

The Bill seeks to strengthen financial accountability and underpins the integrity of the financial statements of public authorities.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Public Finance and Audit Act 1987*

4—Amendment of section 4—Interpretation

This clause deletes the definition of ***prescribed public authority*** because the references to the term are removed from the Act.

5—Amendment of section 23—Delivery of financial statements to Auditor-General by public authority

This amendment expands the matters that must be included in the certificate that accompanies the financial statement provided by each public authority under section 23 of the Act. All public authorities (not just prescribed public authorities) will need to provide a certificate as to compliance with the requirement that the statements—

- are in accordance with the accounts and records of the authority; and
- comply with relevant Treasurer's instructions; and
- comply with relevant accounting standards; and
- present a true and fair view of the financial position of the authority at the end of the financial year and the result of its operations and cashflows for the financial year.

The certificate must be signed by the Chief Executive Officer and the officer responsible for the financial administration of the public authority and, in circumstances where the public authority has a governing body comprised of a number of persons, the person entitled to preside at meetings of the governing body.

The amendment will make it an offence to intentionally or recklessly provide a certificate that does not comply with subsection (2). The amendment imposes a requirement to include a statement in the certificate as to the effectiveness of the internal controls employed by the authority over its financial reporting and the preparation of the financial statements for the financial year.

6—Amendment of section 36—Auditor-General's annual report

This amendment is consequential on the amendment to section 23. The Auditor-General's report will be required to include a statement as to whether in the Auditor-General's opinion the financial statements of each public authority meet the requirements referred to in section 23 and in doing so reflect the financial position of the authority at the end of the preceding financial year and the results of its operations and cash flows for that financial year.

Mr VENNING secured the adjournment of the debate.

HARBORS AND NAVIGATION (AUSTRALIAN BUILDERS PLATE) AMENDMENT BILL

The Hon. P.F. CONLON (Minister for Transport) obtained leave and introduced a bill for an act to amend the Harbors and Navigation Act 1993. Read a first time.

The Hon. P.F. CONLON: 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.

The Government is committed to promoting recreational boating safety and the safe, responsible use of the navigable waters of the State. As part of this commitment the Government has introduced this Bill which adopts the *Australian Builders Plate Standard* as developed by the National Marine Safety Committee, in consultation with the recreational boat building industry.

Each of the Australian States and Territories (except the landlocked Australian Capital Territory) are to adopt the *Australian Builders Plate Standard* in a manner consistent with the national Model Legislative Provisions developed by the Committee and approved by the Australian Transport Council.

Despite public perception, there are currently no mandated standards in Australia for the construction of recreational vessels. Mandating a construction standard in a manner similar to the Australian Design Rules applicable to motor vehicles is not nationally favoured by the maritime industry or governments at this time. The preferred approach is to require the affixing of a product plate to the vessel prior to sale to inform potential purchasers of certain safety features of the vessel.

The *Australian Builders Plate Scheme* requires a plate (an ***ABP***) to be affixed to a recreational vessel constructed after the proposed Act commences in accordance with the *Australian Builders Plate Standard*. The ABP is to state the vessel's loading capacity in terms of the number of passengers and maximum load, outboard engine rating, and engine weight. For vessels less than 6 metres, information about the vessel's buoyancy performance is also to be included. The need to specify buoyancy requirements arises from studies conducted into the use of recreational vessels and marine incidents. It was found that recreational vessels less than 6 metres in length are at greatest risk of capsizing. A vessel that remains afloat enables the occupants to either remain in the flooded vessel (level flotation), or to hang onto the hull of the vessel (basic flotation) while awaiting rescue.

The *Australian Builders Plate Standard* specifies the Australian and International Standards to be used in calculating the information required to be displayed on the ABP, that is, the vessel's loading capacity, outboard engine power rating and engine weight, and whether the vessel has level or basic flotation. The name of the person or business determining the information on the ABP is also to appear.

The information set out on the ABP will:

- ensure that prospective purchasers of recreational vessels are informed of the basic safety information about a vessel at the time of sale;
- provide information to the boat user about the capacity and capability of the boat;
- help boat owners to avoid the inadvertent overloading of their vessel;
- promote the safe, responsible use of recreational vessels in State waters.

As the intent of the *Australian Builders Plate Scheme* is to inform the purchaser of a new recreational vessel of the minimum safety features of the vessel, it is an offence under the Bill to:

- sell or supply a vessel unless an ABP is affixed, and the information on the plate is correct;
- affix an ABP to a vessel knowing that it contains incorrect information;
- alter an ABP affixed to a vessel knowing that it would result in the information on the plate being incorrect;
- remove an ABP affixed to a vessel, except to replace it with another or with the approval of the Chief Executive Officer (the marine authority under the principal Act);
- deface or conceal an ABP that is affixed to a vessel.

The ABP will not need to be affixed to a vessel if it is to be used for racing in organised events or destined for export overseas.

A person building a boat for his or her own use will not need to affix an ABP unless the vessel is sold. If an owner-builder sells his or her boat, it is appropriate that an ABP be fitted so that the purchaser is informed of the basic safety characteristics of the vessel.

The Bill will be supported by variations to the *Harbors and Navigation Regulations 1994*, which will contain much of the detail of the *Australian Builders Plate Scheme*. This includes the types of recreational vessel not required to affix an ABP, compliance with, and modification to, the *Australian Builders Plate Standard* to fit within the drafting style of the State, and transitional matters.

The Bill is consistent with the intent of the national Model Provisions as approved by the Australian Transport Council, but some variations are necessary to ensure the amendments are in keeping with the principal Act and the drafting style and practices of the State. Other variations ensure that the *Australian Builders Plate Scheme*, as adopted in South Australia, is fully robust and workable from the State's perspective.

These variations do not detract from the purpose of the *Australian Builders Plate Scheme*, that is, to inform the purchaser of a recreational vessel of the basic safety information about their boat at the time of sale.

Neither the Bill nor the proposed Regulations will contain a discretion to refuse registration in the event that a vessel does not have an *Australian Builders Plate* affixed. Refusal to register a vessel penalises the owner (user) and not the seller of the vessel. To do so would be to penalise the purchaser and would be contrary to the intent of the *Australian Builders Plate Scheme*.

Based on consultation with industry, minor amendments were made to the *Australian Builders Plate Standard* to redefine terms and insert further information and requirements for the purposes of clarification and efficacy.

The Bill also provides for amendments to the principal Act which will assist with the ongoing administration of the Harbors and Navigation legislation. These amendments:

- update the regulation making powers of the Act in keeping with current practice to enable the Governor to make "such regulations as are contemplated by this Act or as are necessary or expedient for the purposes of this Act", rather than the more limiting making regulations "for the purposes of this Act". This will enable the Government to better respond to operational issues;
- inclusion of a specific regulation making power for the *Hull Identification Scheme*, in order to remove any uncertainty regarding the ability to make regulations for this purpose as a prerequisite of registration.

The *Australian Builders Plate Scheme* was developed in consultation with industry and marine authorities at a national and state level, including the Boating Industry Association of South Australia Incorporated, the peak body for the recreational and light commercial boating industries in this State.

The National Marine Safety Committee has been engaged in a public education strategy over the last two years, involving national and state launches of the *Australian Builders Plate Scheme*, and media releases.

The *Australian Builders Plate Scheme* targets safer boating, applying minimum safety standards to some key elements of design of recreational vessels.

The information on the ABP will help members of the public to make informed choices in the purchase of a recreational vessel.

Greater disclosure of a recreational vessel's basic safety characteristics will lead to improved safety and reduced risk of injury on the State's navigable waters.

I commend this Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Harbors and Navigation Act 1993*

4—Amendment of heading to Part 9

This clause consequentially amends the heading to Part 9 to reflect changes to that Part made by the measure.

5—Insertion of Part 9 Division 4

This clause inserts new Division 4 of Part 9 of the principal Act. This Division establishes the scheme whereby certain vessels are required to have an Australian Builders Plate (***ABP***) affixed.

New section 64A provides that the new Division applies in respect of vessels of a class declared by regulation to be a class of vessels in respect of which an ABP is required, and does not certain other provisions of the principal Act.

New section 64B provides that a person must not, without the approval of the CEO, sell or supply a vessel to which this Division applies unless an ABP is affixed and the information on it is correct. The maximum penalty for such an offence is a fine of $10 000. The section does not, however, apply to second hand vessels or vessels constructed before the commencement of the proposed section.

Further offences regarding affixing, altering, removing and defacing etc an ABP are set out, carrying a maximum penalty of a $5 000 fine.

New section 64C provides a general defence to a charge of certain offences against the new Division.

Further provisions in relation to the scheme are to be contained in the *Harbors and Navigation Regulations 1994*.

6—Insertion of section 86

This clause inserts new section 86 into the Act, providing that, if a corporation commits an offence against this Act, each director of the corporation is guilty of an offence and liable to the same penalty as is fixed for the principal offence unless it is proved that the principal offence did not result from failure on the director's part to take reasonable care to prevent the commission of the offence. This is a standard provision relating to such liability.

7—Amendment of section 87—Evidentiary provision

This clause makes a consequential amendment to allow a certificate apparently signed by the CEO or a delegate of the CEO certifying an approval or lack of approval under this Act to be, in the absence of proof to the contrary, proof of the matter certified.

8—Amendment of section 91—Regulations

This clause amends section 91 of the Act, conferring a regulation making power in relation to regulating the sale of vessels to which Part 9 of the Act applies, and also makes an amendment conferring a power to provide for and regulate the affixing of a plate to the hull of vessels of a specified class for the purposes of identifying the hull.

Schedule 1—Validation provision

This Schedule validates the operation of Part 9 Division 1A of the *Harbors and Navigation Regulations 1994* (which relates to HIN numbers) due to uncertainty over the validity of regulations purportedly made under the principal Act prior to its amendment by clause 8 of this measure.

Mr VENNING secured the adjournment of the debate.

COMMISSION OF INQUIRY (CHILDREN IN STATE CARE) (CHILDREN ON APY LANDS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 May. Page 207.)

Mr VENNING: Madam Deputy Speaker, I draw your attention to the state of the house.

A quorum having been formed:

Ms CHAPMAN (Deputy Leader of the Opposition): This bill was introduced in the parliament yesterday by the minister. It has been listed today for continued debate, as I understand it, on the basis of two things: first, to facilitate the proposed inquiry being accommodated in a time frame to enable its task to be completed by 31 December 2007, that is, in 6½ months' time; and, secondly, to facilitate a contribution being made towards the cost of such an inquiry by the federal government on the basis that minister Mal Brough (at the federal level) has committed to supporting the financial costs of the inquiry on a fifty-fifty basis, and that then can be funded in some way before 30 June 2007, that is, in this year's budget. I understand that they are the two reasons for the haste for considering this bill. I do not doubt that either of them is a valid reason for introducing it and asking it to be debated post haste. However, from the opposition's point of view, those reasons are inadequate for the purposes of attracting the opposition's support for the bill.

The government has announced that this bill is to establish an inquiry, which, it claims, will provide a better understanding of the nature and extent of child sexual abuse in remote Aboriginal communities. The government admits that there have been many inquiries and reports, but the rates of reporting of child sexual abuse have continued to be consistently low. It says that the disparity between the levels of abuse suggested by all these inquiries and the reports and the rates of reporting were then addressed at the intergovernmental summit on violence and child abuse in indigenous communities held in Canberra on 26 June 2006—that is, some 11 months ago—and that the commonwealth and state governments have agreed to address the apparent under-reporting by extending the children in state care commission to enable it to inquire into the incidence of sexual abuse of children on the APY lands.

The government further claimed that its hopeful expectation is that this inquiry will provide a process that will break the cycle of abuse and under-reporting which has prevailed in the Aboriginal communities. Further, it claims that the proposed inquiry is an important part of the government

strategy to address child sexual abuse in Aboriginal communities. It will give victims a chance to speak out and to provide a clear message to everyone that the sexual abuse of children is unacceptable and will not be tolerated by this government and, most importantly, it claims that it will report on appropriate measures to prevent such sexual abuse and remedy its effects. That all sounds good, but it is the opposition's view that we are not progressing this important issue in a manner which will achieve those idealistic outcomes.

In summary, consistent with its invitation to the government earlier this week when we received notice of this measure, the opposition believes that this matter should be dealt with sensitively, appropriately and comprehensively, and that no manner of pushing it through to accommodate some cash funds from the federal government should justify our not doing this properly. The opposition's position is that, first, the important work of the Commission of Inquiry into Children in State Care, which currently is being undertaken by Commissioner Ted Mullighan QC and which essentially is an inquiry into the sexual abuse of children who have been wards of the state—that is, under the care and guardianship of the minister—should be completed. It has been a very important exercise over the past couple of years, and it is the opposition's understanding that Commissioner Mullighan is due to provide his final report before 31 December 2007 (that is, in six months' time). He has provided one interim report and a further summary of invitation to submission during the course of his considerations.

It seems on all accounts that that final report is currently being considered and prepared and that the balance of the six months from which it is to complete its investigation report will be taken up with that exercise. It is an important one; we want it concluded and we look forward to having an outcome from it, in particular, the commissioner's recommendations, which we will obviously need to consider, as will the government, as to what action may need to be taken to deal with that very important exercise. That is the first thing. They are committed to do the work they have been vested with. We want them to finish that job and want it to be done thoroughly and not delayed.

The second thing the opposition says is that, if there is to be a further inquiry, as outlined with the objectives the government suggests, we say that it may be that Commissioner Mullighan and his team are not only competent but now well experienced to carry out such an inquiry in a manner that we all agree should be sensitive and thorough, that is, they are eminently qualified to undertake such a task. However, the current inquiry should be concluded, and any inquiry they are to vested with should be one that includes all the Aboriginal communities and not just the APY lands, and certainly not just one or two settlements within the APY lands, even if they are to be identified and determined by Commissioner Mullighan or any other person who has the delegate power to do so within his commission. We do not accept that cherry picking one, two or three communities within the APY lands in any way will fairly deal with this matter. It may well have the adverse effect of stigmatising those communities that will be identified for the purposes of the inquiry proposed.

How will it be acceptable and be able to be explained to the communities just within the APY lands that only the people in Fregon, Ernabella or Amata will actually be interviewed or assessed for the purpose of this inquiry? How is that acceptable? How can we explain to the others who may consider they have a problem in their community that they will be missed out? How can we explain that the ones that are chosen should be identified as being somehow or other in need of this service? That is unacceptable to us, and it certainly does not deal with the problems the opposition flags as a potential problem, namely, the immediate migration of those suspected of any behaviour they may be perpetrating in those communities.

They may well travel to the next settlement or community or go to Port Augusta or Ceduna or some other area in order to avoid the scrutiny of the inquiry, which has cherry-picked two or three settlements or communities within the APY lands. That will not only defeat the very admirable purpose of the proposed inquiry but will also give an opportunity to those who would otherwise not escape detection to leave the area. I do not mean the disappearance of somebody who might be perpetrating abuse on children but, rather, somebody taking their whole family, especially if sexual abuse has been inflicted or is occurring within a family unit or by family members outside the immediate family. We know of some cases that have occurred in the Aboriginal communities where non-indigenous people have perpetrated abuse against indigenous children. I will refer to some of those examples during this debate. It is not just an issue of child sexual abuse where the children are indigenous children and are victims of abuse perpetrated by indigenous adults or other indigenous older children.

As we all know, the reality is that children in these circumstances are also vulnerable to predatory, illegal and unacceptable behaviour as may be perpetrated on them by non-indigenous people. It is very important that we ensure that we do not in any way unfairly treat the people in the APY lands by this highly selective and cherry-pick approach to such a program. The government's answer to that is: 'Well, look, we won't be identifying these people ourselves. The bill will propose'—and we have seen this in the bill—'that it will be the commission that identifies the areas that need to be investigated.' Do you seriously think it is going to make a scrap of difference to the people who are living in these communities, whether they are perpetrators or victims or people who have knowledge of that, as to whether someone down here in Adelaide who is under a commission is going to be any different from someone who is in the department or in the minister's office who has made this decision? That is just laughable, really.

They know that their community will have been chosen, they know that they will be marked, and they will know that they will be investigated. Frankly, I do not think it will make a scrap of difference whether the Governor, the minister, the Premier, someone in a department, or someone in Commissioner Mullighan's inquiry is the person who has signed a piece of paper saying: 'Your community is the one that is going to be investigated.' That is not acceptable. They might not even let this person, the people from the commission, into these communities. I see that as fraught with danger and, for those reasons, the opposition does not support this approach.

The third aspect of this inquiry we see as necessary is that, if it is going to be a more comprehensive inquiry, if we are going to seriously look at the extent of it and the proposals as to how we are going to deal with it, the processes that will help break the cycle, it should be done in every Aboriginal community in South Australia, namely Oak Valley, Yalata, Point Pearce, Davenport. Across the state you can identify a number of Aboriginal communities, often with one or two hundred people who live in them; similar to the near 3 000 people who live in the APY lands, of which about two and a half thousand are permanent indigenous residents who live

in communities of one or two hundred people. Some of them are in homelands of only one or two families, but they are living in communities across South Australia. They are in need of our assistance, they ought to have access to this support as well and have child sexual abuse identified and eradicated, and these children protected.

For that purpose, all of the communities should be embraced in a review of this nature, which we will, of course, suggest should have extra enforcement. I note that the minister has advised the house that an inquiry such as this may lead to criminal prosecutions. That may be so—that may be a side effect of this—but essentially it is an identification process. We are very concerned that we actually get on with the job of protecting these children. So, if there are cases that are identified during the course of the inquiry, and the commissioner has the power ultimately to refer them to the police, that is great. The other day I heard the minister say that something like 400 cases have been referred to the police. I was not aware there had been so many. I thought there had been 120-odd cases to date.

An honourable member interjecting:

Ms CHAPMAN: The minister is suggesting he did not say that. I am pleased about that. In any event, my understanding is that about 120 cases have been referred to the police. Only a portion of those have actually been investigated by the police at this stage, so we still have a long way to go. But the important aspect is that alongside such an inquiry there can be referrals to the police as we go. We say that, to comprehensively provide for the protection of indigenous children across South Australia in all the communities, then the time to do that must be expanded, as it is an unrealistic and impossible task for the commission to undertake this responsibility by 31 December 2007. Therefore, we suggest a time frame of perhaps June 2009. I will be mentioning later that this is contemporaneous with another report to be released at a national level.

I think it is very important that we give them time. June 2009 may not be adequate. We are not experts on this; we have had only a couple of days to consider this proposal, but we do say that it is important. Commissioner Mullighan has had the task of hearing some, I think, 600 or 800 stories from different people under the Wards of the State Inquiry, which he has undertaken over the past two years. He has had to undertake those investigations and conduct those interviews, sometimes multiple interviews for one victim. It takes a long time for a victim to tell their story, often in very tragic circumstances. It is very difficult for a victim to be able to come forward, so multiple interviews are often required, as well as interpreters, and so on. So it is important that we give the commissioner adequate time so he and his team can undertake this task.

This bill comes at the time of reconciliation week, which concludes on 4 June this year. We have heard the Premier this week espouse the achievements of his government in relation to indigenous communities. We have had the minister's announcement about this inquiry, and we have heard from a number of other people during the course of this week, including Lowitja O'Donoghue and her rather outspoken view about the lack of real contribution by this government and the federal government.

Mr Bignell: What about John Howard?

Ms CHAPMAN: And the federal government, I just said. She had quite a bit to say about that, and I will refer to that shortly. Nevertheless, we all agree that child abuse and neglect—which is slightly broader than the ambit of this proposal—of indigenous children is currently not being addressed at an acceptable level. I would go so far as to say that it is probably not being addressed sufficiently for non-indigenous children. However, the target is to deal with those children, particularly those in remote settlements. I think it is important that we address this matter thoroughly and that we act with some haste to start protecting these children.

The APY lands, for the purpose of this bill, is the designated area—or at least one, two or three communities within it—for the purpose of the inquiry. I wish to refer to what we are talking about here because, as I have said, it is the opposition's view that a number of other communities should be brought into it. Let us consider for a moment the APY lands themselves. For some of this information I rely on the Hon. Robert Lawson QC, a member of the upper house and former attorney-general of this state and, I understand, for a short time in the previous government, the minister responsible for Aboriginal matters.

The Hon. Robert Lawson has maintained an interest through committees and shadow ministry roles in the state parliament. I will read from a report that he provided in August 2003 regarding the area that we are talking about. He writes as follows:

> The land covers 102 360 square kilometres in the north-west corner of South Australia. The distance from east to west is over 400 kilometres, and from north to south 240 kilometres. Along the northern boundary are the Musgrave Ranges, the Mann and Tonkinson Ranges. Contrary to popular misconception, this mountain country is not barren desert. In many places it is of quite spectacular beauty. The lands comprise an aggregation of areas which at different times prior to the act. . .

In that regard he is referring to the Pitjantjatjara Land Rights Act 1981.

He goes on to say that the westerly section comprising over half the lands are formerly the North West Aboriginal Reserve, first proclaimed in 1921. Other former leasehold land formerly known as Everard Park, Kenmore Park and Granite Downs is included in the lands. The traditional owners of the lands as defined in the act referred to are Pitjantjatjara people, which term is defined to include Yankunytjatjara and Ngaanyatjarra people. The population of this vast area is not precisely known. Estimates vary from 2 000 to 3 000 people and it is generally accepted that about 2 500 Anangu live on the lands. The population is relatively young: approximately 65 per cent are under the age of 27 years. That data comes from the Nganampa health council. They live in seven main communities and up to 50 occupied outstations or homelands.

The main communities are, from west to east, Pipalyatjara-Kalka and Murputja Homelands, Kunatjara, Amata, Pukatja (formerly Ernabella), Kaltjiti (formerly Fregon), Mimili and Iwantja (formerly Indulkana). The administrative centre of the land is Umuwa, located 40 kilometres south, the most populous community. Pukatja was the site of the first significant European establishment in the region and, known as Ernabella Mission from 1937 to 1974, was formed by the Presbyterian Church at the instigation of Dr Charles Duguid. There are about 270 permanent residents at Pukatja and a further 150 in nearby communities. The closest regional service centres to Pukatja are Alice Springs (500 kilometres to the north) and Port Augusta and Adelaide (1 300 and 1 500 kilometres respectively to the south).

It has been calculated that $60 million per annum of commonwealth and state government funding is paid to or for the benefit of people in the lands, that is, about $24 000 for

each man, woman and child on the lands. Payments to individuals through CentreLink and CDEP represent the largest component of $16 million per annum. Much funding goes to pay non-indigenous administrators, managers and bureaucrats to meet the high costs of infrastructure. The sources of funding for the lands are diverse and bewildering. However, if funding were the sole determinant of quality of life, this ostensibly high level of funding is either inadequate or inappropriately targeted, or both.

Without wishing to denigrate the efforts of those who have attempted and are endeavouring to ameliorate conditions on the lands, there is no escaping from the brutal realities. The health status, longevity, educational attainments and prosperity of people on the lands are abysmal by any standard. There is virtually no economic activity. There are some small-scale cattle enterprises, some arts and crafts but no mining, no tourism and virtually no employment outside government agencies. Substance abuse is endemic and the signs of welfarism and despair are ever-present.

As for the youth, their abiding interest is portrayed by abundant posters of AFL stars in football jumpers. The Hon. Robert Lawson wrote that he sensed that, like many other Australian young people, their most potent spiritual drivers come from television rather than tradition. They dream of money and fame and the good life of sporting heroes and rock stars. At Amata he saw the slabs being laid for new houses but there were no indigenous workers on site. The builder informed him that the contract required him to have indigenous workers on the payroll and he complied with his contractual obligations.

Petrol sniffing is a scourge in some places on the lands. Despite all the working parties, cross-agency task forces, subcommittees, inquests, advisory bodies, experts and collaborative teams which have examined the issue, this destructive practice persists. As the Hon. Rob Lawson spoke with an apparently sensible and committed police officer, a petrol sniffer strolled by. When he asked why the police officer took no action his response was, in effect, 'What can I do? We are told by the Deaths in Custody Royal Commission that there are too many Aboriginals in custody. We cannot fine them because they have no money to pay. There are no community corrections programs.'

The worst aspect of the situation is that things are not getting better. In 1988 Neville Bonner undertook a review of the situation on the lands. His report, Always Anangu, painted a melancholy picture which is as accurate today as it was then. The following observation, made last year by a non-indigenous person who had lived on the lands for over 20 years, graphically describes conditions on the lands:

> The whole region is experiencing profound community, family and personal problems underpinned by absolute poverty, high morbidity and mortality rates, a failing education system, little employment and training opportunities and a huge burden of personal grief and trauma.

Any objective observer who spends much time on the lands today would be hard pressed to come to different conclusions.

The journalist Rosemary Neill, in her book *White Out: How Politics is Killing Black Australia*, quotes Lowitja O'Donoghue as saying, 'Land, of course, is at the core of it all. People must have land in order to move forward.' Even if one accepts that Lowitja O'Donoghue was correct to argue that Aboriginal people must have land to move forward, it does not follow that merely having land means that anyone will move forward. The fact is that on the Pitjantjatjara lands the people have not moved on since the lands became theirs. Those were the observations three years ago of a former minister and attorney-general of this state as a result of his involvement in this rather sad and sorry situation.

Last week, I attended the APY lands. I had not been there for over 30 years. My previous visit, during the mid-1970s, was at a time when the Presbyterian mission was still effectively in charge. Ernabella (as it was then known) was a significant community within what is now known as the APY lands. It had quite a thriving arts and crafts community, and I travelled there with the people who were providing art equipment and material in order to pursue those endeavours. During that time I also visited Indulkana (as it was then known). Both places were communities with challenges; there was no question about that.

As I said, I returned to the APY lands last week after 30 years, most of which has been a period of self-determination and self-management, which I think everyone agrees was a glorious initiative, which came to fruition in the early 1980s. However, as Lowitja O'Donoghue pointed out, it has not allowed her people to move forward. They have certainly achieved an important milestone, but I do not think that there is any question, on anyone's assessment of the situation, that the 2 500 to 3 000 people now living in the lands have advanced—indeed, in some areas, sadly, the situation has very seriously deteriorated.

I do not doubt for one moment that the aspect in relation to child neglect and abuse—and, in particular, child sexual abuse, which is the subject of this proposed inquiry—was at the forefront. I may be wrong: it may have been as bad then but we did not notice it or know about it. However, all the reports that have been released since then, particularly in the last few years and which I have viewed in recent times, have indicated that the situation certainly has not improved but has deteriorated.

Since the Rann government came to office in 2002, there have been a number of inquiries, some of which have been very comprehensive. The first to which I wish to refer is the report of Robyn Layton QC, who provided a very comprehensive report, which was described as *A state plan to protect and advance the interests of children: 'Our Best Investment'*. The report was published in March 2003. It was commissioned by the state government (by the Hon. Stephanie Key, I believe, the former minister for social justice), and it was certainly very comprehensive.

One of the aspects she had a charter to consider and to provide recommendations on related to indigenous children and young persons. She devoted a considerable part of her inquiry, report and recommendations to that exercise. For the purposes of this bill, I will not refer to all the aspects she spoke of in relation to child protection, because some of it is not relevant specifically to sexual abuse. However, I think it is fair to say that a number of her recommendations touch on this point. The government may or may not have followed up on these recommendations, but to date I have not seen any evidence of it, but that does not mean those recommendations have not been put in train. Recommendation 31 states:

> ...the principles contained in United Nations Convention on the Rights of the Child be reflected in all statutes affecting indigenous children and young people and form the underpinning principles and objectives driving legislation in this state.

She also recommended that the South Australian Child Protection Board, when developing protocols guidelines, has regard to the three targets identified by UNICEF in its new Global Agenda for Children 2000. Robyn Layton states:

The reason for this being the situation facing many Aboriginal communities in South Australia is dire. Unless the government views what is happening within these communities as a major human rights issue, it is likely that minimal change will be forthcoming. While many government agencies have begun to acknowledge the inadequacies of the current system and have developed statements of reconciliation to underpin service delivery, legislative recognition of the situation is required to ensure the situation receives the highest level of attention.

Her recommendation was that the message of Aboriginal disadvantage be a matter of specific community education. She sets that out as being necessary to ensure that it assists the process of obtaining outcomes for Aboriginal communities. She states that there are a number of other benefits in recognising this disadvantage, but I will not traverse them all today because they are not specifically relevant to this legislation. In recommendation 33, she recommends as follows:

Whilst it is acknowledged that mandatory reporting requirements do present many dilemmas and difficulties for indigenous communities, it should be retained and further, provision for specific education programs for Aboriginal workers and communities be developed to ensure culturally appropriate mechanisms are in place for dealing with reports within their community.

That is a very important aspect because, if this recommendation is accepted, it provides that the mandatory reporting process is one which should stay in place and which should not in any way be watered down or varied legally in its enforcement for the protection of indigenous children. Certainly, she refers in some detail to the processes that go with it. Robyn Layton states:

Children, whether they be indigenous or non-indigenous, have a right to be protected, and mandatory reporting makes a public commitment and increases the general community awareness of child abuse. Whilst it is given that there are an unknown number of incidences of abuse and neglect that are not reported, mandatory reporting does assist in establishing, to some degree, the nature and incidence of child abuse within our community. This is highly desirable within indigenous communities where there are particularly sensitive issues concerning child abuse and domestic violence.

That is her clear recommendation. She goes on to say that there could be other reviews and that certain bodies within the Aboriginal community would be well suited to undertake those. She recommends the formation of an Aboriginal child, family and community advisory committee, in conjunction with each of the FAYS district offices. I do not know whether that has occurred. My understanding is that the FAYS office at Coober Pedy is largely responsible for undertaking this area of duty for children on the lands. The minister may be able to advise whether that has been established and, if so, when, and perhaps how, and what their view may be of this proposed inquiry. Robyn Layton points out in some detail their importance, but, again, I will not refer to that in any great detail but it is set out at some length in the report why it is necessary to have that advisory committee. She goes on to say, in recommendation 36:

That Aboriginal service division with key parties and service providers such as ATSIC, AFSS and FAYS, develop an agreed process for sharing information about children, young people and families that are involved with the child protection system. The aim of the protocol is to ensure that children and young people are safe and protected.

Again, she sets out the rationale for that. I think that is fairly obvious. I have missed some of the recommendations, as you will note, Mr Speaker, but the last of the direction recommendations is one which I think is important. Recommendation 38 states:

That Aboriginal community education and development officers be attached to each FAYS district centre. Part of their role would include the delivery of community information and education initiatives, with a major focus on child protection.

Again, I would ask the minister as to whether that has been implemented. Suffice to say her rationale is probably obvious, but it seems to me that we do need to know whether that has actually been implemented because, if you have got a structure and you have got the right personnel and you have got the right advice associated with the agencies that are responsible for this aspect (particularly we are talking about child sexual abuse), then we need to know from them what they are doing, whether it is working and whether we should be giving them more support. If they are not set up, or it is not working, or we have not got these in place, we need to know why.

Robyn Layton QC is not only someone who has been eminent in the law, but she has had considerable experience. She came with glowing recommendation to this parliament when she undertook this report, and I accept that. She is, indeed, someone who is highly qualified, and I would be very disappointed if her recommendations in this area have not been followed to the letter and if we hear back from the minister indications that he agrees with all of these recommendations and he has even attempted to implement some of them, but 'we have not had enough personnel', or 'we have not had enough time', or 'we have not had enough money', or 'we have not had enough allocation of resources to actually carry this out.' This report has been around since March 2003, and it would certainly be very disappointing to me if we were about to embark on a $3 million exercise, which is proposed under this bill, if we have not even put in place all of these recommendations and, furthermore, heard back from these various bodies as to what they think should be done, not just on the APY lands but in all of the Aboriginal communities about which she has made a comprehensive recommendation.

I will say that, Robyn Layton QC having identified in her report a problem of child abuse and neglect, with other factors, it is important that we place this on the record because, again, I do not think that we have been successful in South Australia in dealing with these other factors and, therefore, the problem remains. In particular I say this: Robyn Layton has drawn a connection between child abuse and neglect and these other factors, such as familial violence, substance abuse, poor educational levels, poor health status and lack of social cohesion. She says in her report that this must be acknowledged; it is no use trying to sweep it under the carpet. She states:

Research has shown the association between stressful, negative community conditions and maladaptive coping behaviour and social dysfunction.

She refers to a number of authorities. For anyone following this debate it is at page 8.19 of her report. She further states:

Aboriginal people are disadvantaged across a range of factors. They tend to have, 'Lower incomes than the non-indigenous population, higher rates of unemployment, poor educational outcomes and lower rates of home ownership. Aboriginal people are more likely to be in impoverished dwellings...be in overcrowded living conditions and live in houses in high need of repair, than non-Aboriginal people.

The high levels of poverty, unemployment, homelessness and ill health found in Aboriginal communities, of themselves make Aboriginal and Torres Strait Islander families more susceptible to becoming involved with both child protection and juvenile justice services.

Ms Layton QC is actually referring to Aboriginal communities across South Australia and is not confining it to the APY lands, but I would challenge anyone in this house to take the contrary view that this description does not apply to those living in the APY lands in every aspect, and that they are clearly at the acute end of the spectrum when it comes to the disparity between indigenous and non-indigenous people in this state. That is not to say that they are alone or, as I have said, to exclude indigenous members of our community who are living at Yalata or Oak Valley, Raukkan or Davenport, or any other community in South Australia—and there is a great list of them. I do not know that personally—it has been a long time since I have visited a number of them—but I will say that in Port Augusta the situation was quite—

The Hon. K.O. Foley interjecting:

Ms CHAPMAN: I hear the Treasurer's interjection about having a look at these communities and not staying in the leafy suburbs of my electorate. However, I can tell the house that I have visited a number of these communities and I have done so in a number of roles. Sometimes it was to represent people in those communities in the work I did with the Aboriginal Legal Rights Movement, and sometimes it was in my role as chair of Home and Community Care with the former governor Dame Roma Mitchell, with whom I was honoured to work. I have travelled to a number of the communities in this state in my work prior to coming to this parliament, so I can say to the Treasurer, and other members of the house, that whilst I have not visited these areas in recent years (and many members may have), I challenge any member of this house to suggest that Robyn Layton is wrong. In fact, her position is up to date; she has made it very clear that she has looked at this situation in recent times and I accept absolutely what she has reported. It is shameful that here we are in 2007 and this issue has not been addressed.

From the child abuse data available (Ms Layton has used the 2001 census statistics), the report identifies that Aboriginal children and young people—that is, those under the age of 18 years—constitute 2.25 per cent of all children in South Australia yet they make up about 16 per cent of all children notified to Family and Youth Services. That is an eight-fold over-representation. The extent of over-representation increases as they move further into the system, in that they comprise 30 per cent of the total number of children who are the subject of re-notification. So, we have an astonishingly high level of children of indigenous origin who come to the attention of those within the department—and bear in mind that this is not just for child sexual abuse but for all neglect and abuse—and there is also a staggering increase in proportion when it comes to re-notification. So there is a notice, presumably there is some action, and then there is a re-notification—in other words, the problem has not been remedied for that child.

As at 2001, of the sexual abuse, physical abuse, emotional abuse and neglect profiles, confirmed notifications of sexual abuse sat at 8 per cent and neglect at 43 per cent. It is really very sad when we come to re-abuse, because even after there has been some notification (and, we hope, at least some intervention) the re-abuse is a staggering 65.6 per cent for neglect and 3.3 per cent when it comes to sexual abuse.

There are other very disturbing figures for other forms of abuse but, overall, the position is very clear that there is a high level of notifications, there is a high level of re-abuse, so that these children are not only being notified through the system but they are not being protected adequately by our system. That is very concerning and it was certainly deeply disturbing to Robyn Layton QC.

For those who are following the debate, I think it is worthy to look at the community and regional collaboration recommendations that Robyn Layton QC makes in her report. They are listed, at some length, at 8.28 of her report. Again, I would be very keen to hear from the minister as to who he has consulted about this proposed legislation and whether he has even touched on the extensive list that Robyn Layton QC sees as necessary when child protection is being tackled in this very difficult area. We had a very clear message from Ms Layton and, as I have said before in this parliament, her report is to be commended. What it now needs, of course, is some action.

Since that report we have had a number of other inquiries and reports. I am going to touch on a few of them. We then went to June 2003, after receiving Ms Layton's report, and heard from Professor Dodson, the head of the Australian National University's Institute for Indigenous Australia. In summary, he made it perfectly clear when he said that he considered that 'our children are experiencing horrific levels of violence and sexual abuse'. He pointed to the Queensland Domestic Violence Task Force which had published a report back in 2003. That report estimated that 90 per cent of Aboriginal families were affected by violence. The task force said that Aboriginal women were 45 times more likely than other women to be the victims of violence.

At the same time, other persons came forward in relation to Professor Dodson's observations and recommendations, including Bonnie Robertson who, as I understand it, is an expert in indigenous family violence.She said that child sex abuse was chronic but under-researched. We had others in the community commenting, including Jane Lloyd, the chairwoman of the Northern Territory Domestic and Aboriginal Family Violence Council, who said, 'We are really encouraged by Mick Dodson's strong comments today and hope that other indigenous men will follow and ensure that the safety of women and children is paramount.'

Queensland was working on it, the Northern Territory was following, and we had the task force and a further inquiry. When we get to 2004, of course, this was a time when there seemed to be fairly significant attention, at that stage, given to the deaths of young men in custody, and the whole question of drug and alcohol abuse, petrol sniffing, and other difficulties which were very much in the public eye. Child protection was also featured.

This was a time, you may remember, when the Premier appointed the former federal senator and minister, Bob Collins, to give the government some advice about what it should do about the appalling situation in the Aboriginal lands. I think, at the time, it was confined to the APY lands, and the government gave him some time to do that. I think he was appointed in April of that year and he saw his task as combating the problems facing Aborigines in the lands, including petrol sniffing, youth suicide, domestic violence, unemployment and poor health conditions. It was much greater than simply child protection and child abuse. But when you look at the profile of the people who live in these communities you see that well over 60 per cent are under the age of 27 years, so we are talking about a significant proportion of the population.

The upshot of his inquiry was to say to the South Australian government that it must have more police resources up there. He also made some comments about getting on with the election to determine the governance

arrangements in the APY lands at that time. He said that it was absolutely critical that police be brought in. He described with some criticism the distribution of funding for health programs. He blamed dysfunctional Aboriginal leadership, which I think was somewhat related to his views on what should happen in progressing an election for the new governance regime; nevertheless, he made that very clear.

It was absolutely fundamental for the protection of people living in these communities that the police come in, because women and children would clearly not be safe until that occurred. Then we had a number of statements from the government in relation to its program called Keeping Them Safe, which was not confined to indigenous children in South Australia but was a blueprint for protecting children generally, which was somewhat more comprehensive. I do not wish to diminish its importance by skipping over it but it was not specifically related to indigenous children.

At the time, I note that some concern had been raised by the South Australian Council of Social Service—and, in particular, by the council chairman, Simon Schrapel—about the abuse and neglect of children. He said in respect of the Aboriginal communities that they needed stronger support, as indigenous children were six times more likely to be abused and neglected than non-indigenous children. You would think that for the government, after being in office for three years, the penny would be starting to drop and that, despite the task force and report after report, this would be seen as a big problem that went across the board in our indigenous communities and not just confined to the APY lands. Still without any direct action, we had the announcement from the Premier in mid-2005 that he had decided that it would be necessary to call in the assistance of Lowitja O'Donoghue who, by anyone's account—and even that of the Premier's at that stage, although I am not sure whether he shares that view today—was someone who had devoted her life to the improvement of conditions for Aboriginal people.

He wanted her to assist the Reverend Tim Costello, who was the head of World Vision, in advising on sorting out what was described as a crisis in the Pit lands. Again, the issues were more complex than just child protection and child abuse, but nevertheless this was something that was very important to the Premier and he was going to do something about it. He was going to assist in this matter by having these experts come in. We found, though, that Lowitja O'Donoghue, after having been appointed, was at her wit's end by June 2005. That was two years ago. She said that she had 'never, ever been treated as shabbily as she had in the past 12 months by the Rann government'. She slated the government's commitments to the Pit lands as 'bullshit' and said that she felt that she had been used to help Labor spin the issue. Those are quotes that were published at the time and, if they are accurate, they are a damning indictment of what the Premier was hoping to spin to the community in South Australia about what he was doing to assist these people who are in tragic circumstances.

She made it quite clear that she was appalled at how she had been used. To use her description, it was 'an unhappy experience' to be pulled out under the window-dressing of the government pretending to be doing something about this issue. She was outraged then, and her comments during some major addresses, which have been published in the past couple of weeks, particularly this week, about the failure of federal and state governments to do anything about helping her people, only confirm that. She was particularly acid about the fact that she had been wheeled out and used to show that something was being done on this issue.

It seems that the Premier is starting to listen. He has a rather shallow way of dealing with this issue; nevertheless, he is out there announcing that he will start putting money into things. He has spoken to Tim Costello and Lowitja O'Donoghue, he has had Bob Collins' advice, and he has had Robyn Layton's report, and he will do something about this. We got to the middle of last year, and there was relative calm for a while. There were no huge public outcries and so, frankly, not much was done. It is possible, although we did not know about it, that something was being done and that that was why none of the problems were made public. That is possible, and I accept that.

However, when we got to the middle of last year, and examples of the grotesque abuse of women and children were again published, we realised that nothing had been done and that we were continuing with this serious degree of abandonment—and, in fact, I think, just complete ignorance—of this issue. I say at this point (and Robyn Layton makes this point in her report) that there are some real dilemmas about what you do when child abuse has been identified, when a notification has been received by the department and it is obliged to investigate the matter. It makes a determination that a child is at risk and it finds from its inquiries that there has been abuse, that a child has been the victim and, what is more, persons are identified as perpetrators.

Fundamental to the question of moving in to protect that child, often by excluding them from the area of risk (that is, removing them from the home), is whether the perpetrator remains in that environment or whether the child, if they remain in that environment, continues to be at risk. That is a difficulty because of other important inquiries that have gone on in the last few years, particularly the published report on the stolen children in Australia, which, not surprisingly, added a level of guideline and protocol that we need to look at when we are dealing with indigenous children. After all, the fact is that there was a significant fall-out from the inquiry in relation to children who, for whatever well-intentioned reasons, were removed in the fifties and sixties from indigenous families, and there has been much suffering as a result.

The report was very clear that this was adverse to the children who were victims of that policy, and that, therefore, we had to be very careful to make sure that this was not something that was practised, even though the practice was abandoned by welfare agencies and churches since then, but was not perpetuated in other ways. I do not doubt for one moment that it is an issue that weighs on the officers involved in child protection within the department, the police force, the medical profession, health services or education services, because these are all people who have obligations for notification and action. I do not doubt that what weighs on them is the significance of removing a child from an intact household, in particular to remove them from a parent or guardian, from any family, but more particularly in the circumstances where there is a very strong connection with the extended family; it can impose significant problems.

The Hon. J.W. WEATHERILL (Minister for Families and Communities): I move:

That the time for moving the adjournment of the house be extended beyond 5 p.m.

Motion carried.

Ms CHAPMAN: I do not doubt for one moment that it is a difficult exercise for them, because the prospect of removing a child, even temporarily, is difficult. Let us look at the logistics of it in relation to the APY lands, which is the subject of this bill. The nearest Families and Communities centre to the APY lands is at Coober Pedy. That is obviously some distance. Safe houses or alternative accommodation for children who are identified as victims of child abuse or neglect can be hundreds of kilometres away. Sometimes, in these circumstances, I understand, children can remain in the community if the alleged offender leaves. That is one way of doing it. That is a similar process to what we have with nonindigenous communities.

If the relevant officer is satisfied that the suspected perpetrator has not remained in the community or does not come into contact with the child or children who may be victims, and that the adult responsible for them in their household ensures that that is maintained, in those circumstances, thankfully, we are able to ensure that the potential victims are at least temporarily protected. That is one way of dealing with it. Often the only other realistic alternative, unless there is a family member in another community who can also successfully quarantine the victim from a suspected child abuser in another community, is to go to Alice Springs or Coober Pedy. Again, the resources are limited as to where they might live, what foster care may be available to provide for their care, and the like.

I am not being critical of the government for that. It is a reality. There is a reluctance to remove a child from a community for a whole lot of reasons which are under more levels with indigenous children, and there are serious limitations on alternative accommodation. I read a very powerful report in issue 75 of the Australian Institute of Family Studies *Family Matters* last year, which devoted the whole edition to indigenous issues. I found that reading about children who are living in foster care and away from their families and the problems that that produces in an article entitled, 'Protecting indigenous children: views of carers and young people in and out-of-home care' was quite disturbing and painful.

Sentiments are expressed by people in this report which, I must say, are consistent with a number of reports I have read about non-indigenous children being removed from their own homes, usually for child abuse or neglect and their distress at being separated from family members, either other parents, siblings or other extended family. Some would say that is remarkable, but if one has worked in this field for a while one appreciates that they miss even those who have perpetrated neglect or abuse on them.

They are really heart-wrenching reports, but it is no less than this more recent survey of the difficulties of keeping children in that situation isolated either until a protective environment can be established or, where a perpetrator acknowledges the abuse, remedies their behaviour and the abuse ceases, to facilitate their return. Where there has been an area of neglect, an incapacity to adequately provide food or shelter for a child, for example, or where there has been an imposition of physical abuse, a modification of that behaviour sometimes can happen fairly quickly, and that is great.

Remedy that and the child can go back in situ, but in cases of child sexual abuse the rate of acknowledgment that it has even occurred and the preparedness to undertake treatment to ensure that it is not repeated has some very poor results, and therefore children in this situation often face a very difficult dilemma. In a way they get punished twice, because it is they who are often isolated from the very community in which they want to stay even if the alleged perpetrator of the abuse or neglect remains in the household, and that really is very sad and, certainly, it is still evident.

I was about to speak on the question of the plight of people living in abusive situations and that becoming public. I refer, of course, to the inquiries that happened in the Northern Territory and Queensland. In 2006 a Senate inquiry took evidence in Adelaide, which referred to the crime and abuse against Aboriginal women and children as 'lateral violence'. John Hartley appeared on behalf of the Pukatja community in the APY lands, formerly known as Ernabella. Incidentally, I was interested to note last week that, when I inquired as to the description of some of the communities and their newer names, I was told that the names of these communities are quite interchangeable, that there is not necessarily a preferred reference and that indigenous and non-indigenous people interchange their descriptions themselves.

I found that quite different from my experience in the Northern Territory where once there had been a name change, a sort of regime change of name, it was very important to ensure that the new names were used. The people in the Mutitjulu community near what was formerly known as Ayers Rock and is now known as Uluru were very clear about making sure that they recognised and respected the new name regime, and I am very happy to respect that. I suppose that, to some degree, it is a bit like people who keep holding onto 'Peking' instead of 'Beijing', and other examples around the world.

For some indigenous communities in the Northern Territory it is very important but, on the information I received last week, this does not have the same level of importance. If I refer to any of the communities by their former name, I do advise the house that I am told that it is in no way being disrespectful.

The other thing that was very interesting was that, in the three days I was there—notwithstanding the importance of ensuring that one maintained respect for the fact that we were visiting APY lands in which there had been this significant transfer of governance in the early 1980s—I found it quite remarkable that at no time was I or others travelling with me—the Hon. Michelle Lensink, the Hon. John Dawkins and Mr Patrick Francis (two of those people being members of this parliament)—asked to prove that we had a permit. We all know that, under the legislation, as members of parliament, we do not need a permit and, if we have someone travelling with us for the purposes of going on to the lands, then, under the act, we are exempt from having to have a permit.

However, I thought it was important that we had a permit and I believe that it was a sign of respect to those who are responsible for the governance of the APY lands. In fact, I duly advised the Premier's office of the proposed trip and obtained a relevant permit for each of the parties for the time we were there. We had them available for inspection, if required, but I noted that, during that time, no request was made for us to show our permit. Either nobody really cared whether or not we were there or people understood that we were there to deal with and look at health issues, particularly from my point of view. Transport, airports and other issues were looked at by my colleagues, but I was largely interested in health and child protection matters. In the course of that attendance, I had an opportunity to look at some aged care matters and other things as well.

To get back to the point, we obtained the permits—I still have mine—but no-one looked at them. In the middle of

2006, we started to see what I would describe as a sort of flurry of public exposure of violence and child neglect and abuse, including sexual abuse. At the Senate inquiry, Mr John Hartley, on behalf of the Pupta (Ernabella) community in the APY lands, gave evidence. In relation to the lateral violence, he said:

> Brutality on Aboriginal people starts to express itself in dysfunctional behaviours and we are at a stage now in Aboriginal communities where you have the effect of what I call lateral violence.

He referred to all the issues of substance abuse, petrol sniffing and so on. I might say on petrol sniffing that, although it is not particularly a subject in this bill, I was pleased to note that, unlike the Northern Territory, since about August-September the APY lands now use Opal fuel throughout the community which, on the anecdotal information provided, appears to have had an impact on petrol sniffing.

It is relevant because a number of cases which are referred to in relation to child abuse, and in particular sexual abuse, relate to allegations of young girls in particular being offered petrol to use in an abusive way in exchange for sexual favours—and I will come to that in a moment. There is no question, as I think was made clear by Robyn Layton QC in her extensive investigation, that when you start to have a breakdown in relation to employment, environmental health, self-esteem and general family dysfunction, these other behaviours will arise. As I have indicated, she made the inescapable conclusion that these environmental factors have a negative impact on a community and you end up with dysfunctional behaviour, including abuse of children.

Mr Hartley revealed to this inquiry that, indeed, as a youth he had been sexually abused in his far north Queensland Aboriginal community and had worked against family violence in the Aboriginal communities for 15 years. We heard allegations of violence from other witnesses, including senior Aboriginal elder Dennis Colson. In his evidence in relation to threatened violence, he said:

> By my brothers who came up to me with a knife and try and stab me in the head and I have got to stand there and take it.

That was the sort of evidence that was given at the Senate inquiry. So, it became clear that there was still a major problem out there. Evidence was given in Adelaide to the Senate inquiry of high levels of violence and drug and substance abuse, and we will see the connection in a moment. Similarly, our Aboriginal affairs minister by May last year was saying that there could be substantial domestic violence and sex abuse in the state's northern Aboriginal communities. He acknowledged that that was a reality. He made quite clear at the time that it was not possible to deal with the issue in isolation—and that is fair comment—and that it would be a mistake to consider removing children in outback communities and thinking of that as the only solution to domestic violence. I agree with that, because it is important that a number of these issues are looked at.

Bob Collins advised the Premier to, for goodness sake, send the police into the lands and protect these people in the meantime. It is not adequate to simply sit by and say that we have to do a comprehensive across lands, across issues approach while people continue to be abused, threatened, assaulted, killed, maimed, interfered with or have criminal acts perpetrated against them. It is not acceptable. Bob Collins said, 'Have your election, but send the police in the meantime; we need protection.'

Although the minister talks about the importance of looking at all the issues, you simply cannot stand by and do nothing. It is important because at that stage the minister indicated—and we heard all the similar offers of intervention from the federal minister, Mal Brough (the then and current minister), that we need to get together and talk about this. Mal Brough had visited the Aboriginal camps in the Alice Springs area in May 2006 and had invited the leaders to a summit to draft a national plan to stamp out the violence. At state and federal level we are getting statements that we needed to do something.

The Northern Territory Chief Minister, Clare Martin, in response to hearing the very disturbing allegations by Nanette Rogers, a prosecutor at Alice Springs at that time who had come out publicly and described horrific stories of abuse within Aboriginal communities, including a man raping a seven-month old baby, said that her government would need to deal with this issue and that action needed to be taken. The leaders were all saying the right things, that they needed to get on with dealing with what had been an explosion of examples of abuse.

We had the rather tragic story I recall of a sleeping woman who had been set alight with petrol by her partner or husband, and she had been taken to the Royal Adelaide Hospital with serious injuries. This is a situation where we have victims in the indigenous community who are victims of other indigenous people and also of non-indigenous people. Members may recall that around that time there had been an allegation and police had arrested the perpetrator, a 38-year old man who had been found with hundreds of photographs of naked boys in various stages of excitement.

Mr Head was arrested, bailed and ordered to leave the APY lands in December 2004. He had been working at the general store in a community in the APY lands and, at that stage, was facing trial for indecent assault, gross indecency and possessing child pornography. Not only were there a number of boys photographed, but the sexual assault charges related to eight indigenous boys, so there were multiple victims in that case.

We hear of these horrid cases and, at the time, we had more inquiries and more reports. At that stage we were looking at reports which confirmed again and again that indigenous boys were 10 times more likely to be raped than other Australian males. There had been studies into men's health that had unearthed a culture of abuse against males. There were cases of women and children being abused, and we had disclosure of studies in relation to the abuse of young boys. Not only did we have a sad picture but we had a very significant cross-section of disclosure at that point, and we had plenty of evidence to support it.

One case that captured the attention of the nation was a television story about the police investigation into the death of a female who had been residing just outside the Fregon community in the APY lands. It caught our attention because of reports that her severed head had been dragged by a dog through the streets of the town. It had not been asserted at this stage that she had been killed by anyone, but that she had died and that she had been living alone on the outskirts of the town. As I said, there were assertions that her dead body had been savaged by a pack of town dogs.

There were many aspects of this case that were just appalling. I found it curious—but in no way do I suggest that this was not accurate—that the minister at the time had told our parliament that he had not heard anything about this matter; in fact, he had not heard anything about this death

until the media report. He was as horrified, I think, as the rest of us about what had happened. It may be that, if this person had died in non-suspicious circumstances and the issue was one of disposal of her body or her body not properly being buried or cremated, the subsequent events would not be so offensive. However, it is concerning that deaths occur and, in some cases, there are victims whose cause of death is not known.

I refer to another interesting thing that occurred during this period (2004-05), and note that we have received in this parliament the 2005-06 Annual Report of the Child Deaths and Serious Injury Review Committee (this committee having been established under the government).

It was as a result of recommendations in the Layton report, as I recall, and Dymphna Eszenyi was appointed as the chair of the Child Deaths and Serious Injury Review Committee. We received this report and it is very interesting because, although there is reference to the committee not having any funding to investigate serious injury—that is, they just did not have the resources for the preparation of this report from 2005-06 to deal with serious injury, so we do not know what the outcomes are, or the data in relation to those—it did look at deaths of children in that year. This is what Dymphna Eszenyi had to say about Aboriginal children:

> In South Australia, the substantially poorer health and wellbeing of Aboriginal people is well documented. The South Australian government, Australian Bureau of Statistics and Australian Institute of Health and Welfare 2005 key social and economic indicators, such as poverty, employment, housing, education, imprisonment and health show that Aboriginal people are at significantly higher risk of disadvantage compared with non-Aboriginal South Australians. This is the result of many underlying causes, including intergenerational effects of forced separation from family and culture and the lasting impacts of colonisation and discrimination.
>
> As a consequence, Aboriginal people are at greater risk of poorer life outcomes and there has been substantial evidence for decades that the health of Aboriginal children is significantly worse than that of non-indigenous children in the population. This is exemplified by the higher infant mortality rate that has been reported in Aboriginal infants, 9.4 deaths per 100 live births, more than double the rate of the overall South Australian population in 2005. 17 children died who are identified by the registrar as Aboriginal. This represents 12.5 per cent of the total number of deaths of children in this year. The rate of death among Aboriginal children is estimated to be 110.17 deaths per 100 000 Aboriginal children between 0 and 17 years. Based on these rates, an Aboriginal child is three times more likely to die than a non-Aboriginal child.

Then the chair reports on Aboriginal children by age and sex and cause of death. This is quite disturbing because she reports as follows:

> Over half of these children were under one year old at the time of death.

That is, nine of those 17 children were under one. She continues:

> Five were in the 15 to 17 age group. A greater number of male Aboriginal children died than female Aboriginal children.

That is, there were 12 deaths, which is 70.6 per cent, and this was the case in all age groups. She continues:

> This is a considerably higher proportion of deaths amongst males when compared to the overall deaths of males who died in 1975.

And that was 57 per cent. Then she publishes a table giving the cause of death. This is quite tragic. Ten of these children died of natural causes; one child died of SIDS or an undetermined cause, but sudden infant death syndrome was the most likely cause, it seems; then six children died of external causes. The report states:

> So, over half of the deaths of Aboriginal children, 10 deaths in 2005, were from natural causes. Half of these deaths occurred in children less than one year old. In total, nine of the 17 deaths from all causes were children in this age group. Very few Aboriginal children died in the middle years. Five Aboriginal children aged between 15 and 17 years died of various causes.

The committee wanted to highlight that a number of the natural cause deaths were from preventible diseases. The report states:

> Acute rheumatic fever and rheumatic heart disease are typically associated with overcrowding, poor living conditions and other aspects of social and economic disadvantage, as well as limited access to medical care for adequate diagnosis, treatment, etc. These diseases are a significant problem in the indigenous Australian population of central Australia, among children in particular. In contrast, they are virtually never diagnosed in non-indigenous Australian children.
>
> In addition, Aboriginal children continue to die from serious complications arising from certain illnesses and infections. Deaths from such complications were infrequently seen in non-indigenous children. These deaths again highlight the vulnerability of Aboriginal children and the impact of significant socioeconomic disadvantage in their health and wellbeing.

There is no question that the incidence of disease that is prevalent in indigenous children in the APY lands, which is virtually non-existent in non-indigenous children, and even indigenous children who are not living in these communities, is profound. Although I think the health service is doing an admirable job in providing immunisation for a number of these conditions, the level of chlamydia, syphilis and other sexually transmitted diseases and the level of infectious conditions—boils and those types of things—are almost unheard of in other communities. However, the children in these communities are exposed to those types of diseases. They are also affected by their living conditions. There are environmental health issues with overcrowding in their homes, living with pets and animals that may be infested or diseased, and poor diet. The children are cold, hungry, hurt and injured. To a large degree, at the other end of the line, they are receiving health services, and I greatly applaud those who are working at the coalface to provide this. However, as is confirmed in this report, these children are exposed to those kinds of things. So, there is a very high level of disadvantage.

In her report, the chair made a point of talking about children living in remote areas, saying the following:

> ARIA [Accessibility Remoteness Index of Australia] is a distance based measure of remoteness. It defines the categories of remoteness based on road distance to service centres, that is, major city, inner and outer regional, remote and very remote, and the very remote category indicates very little accessibility to goods, services, opportunities for social interaction. Therefore, the ARIA plus index is an indicator of the degree of geographic remoteness of an area and is a more accurate indicator of disadvantage than the subjective tests such as rural or country.

She made the point that the death rate in the 'very remote' area was as high as 133.8 in 2005. That is an extraordinarily high rate, when we take into account those eight deaths in the 'very remote' area. We had eight in 'remote' and we had a great number in the 'major city' or 'inner regional', with respect to the number of child deaths by geographic remoteness. There is no doubt that an indigenous child living in a very remote area is off the scale when it comes to the percentage of likelihood with respect to the death rate that they attract. In the extensive report on this matter, the chair raised the question of having to look at this over a number of years so that we can gather that data and analyse these associations. However, there is absolutely no question that an indigenous child is at very high risk if they live in a 'very remote' area.

I raise that topic because I wish to make the following point. This bill proposes to investigate two or three communities within the APY lands. There is no question that they are remote. However, it is not acceptable to exclude areas such as Yalata and Oak Valley, which are also very remote communities. They also need attention. To isolate them and not have an inquiry into those communities defies these statistics, which clearly indicate that it is urgent that we get out into those communities, and that they not be excluded. I also remind the minister and the government of the importance of looking at all the homelands and communities within the APY lands. Indeed, they should call upon a similar process to occur at Mutitjulu and Nganampa and other areas, even over into Docker Valley, I think it is, in the Western Australian part of the central region.

When we are dealing with isolated and remote indigenous children, we need to be comprehensive and out there protecting these children. On anyone's account, year after year we are hearing about these children. We know they are out there and, whilst action is taken as problems arise and as they come to the attention of the departments, whether it is police, welfare officers, teachers or health officials, it is important that governments get out there in a serious way.

With all the flurry that was happening in mid-2006, when we had Clare Martin, Mal Brough and minister Weatherill respond, they said they were going to have a discussion about this. We were going to have a summit with the federal and state ministers and the indigenous leaders. He said that they were horrified about the situation and they were going to do something about it. It was 11 months ago that he made the statement that there would be this meeting. I find it sad that, having had that meeting and that summit and having agreed and published even then that after the national summit action would be taken to establish this inquiry by Mr Mullighan's group, it has taken 11 months before we even see the legislation. I find that absolutely incredible, particularly as a whole lot of the other states got on with doing something, and I will refer to a number of those. We had our government possibly even spearheading action and saying, 'Yes, we will do something about this. Yes, we are going to see whether we can arrange a summit. We're going to get some support.' Mal Brough signed up and said, 'We'll give you some money.'

It is 11 months later before we even see the bill to initiate this—and now we are rushing this legislation through to try to pick up the $1.6 million that the federal government has put on the table before it closes off its books on 30 June. I just find it a scandalous delay, especially when it seems that other states have been able to get on with their inquiry, complete it and come up with recommendations—or at least they are well advanced at a national and state level—to comprehensively deal with what is happening with their indigenous children in remote regions across their state or territory, and we are standing here for the first time starting to debate the bill. That is absolutely unacceptable.

Let me give members some examples about what has been going on. The New South Wales Attorney-General, Bob Debus, got on with his report, bearing in mind that this was at a time when a number of people were claiming they had been intimidated and ostracised even by members of their family in relation to sex victims. In summary, about 300 people gave evidence, and their big issue was that there had been numerous complaints about a number of threats or intimidation that had been made either by the perpetrator or other members of the family. One incidence was when someone was threatened and told, 'You know that you'll go to a home; 'I'll kill you; I'll kill your mother; I'll do this, and I'll do that.' That is a sample of what has occurred. Then they would complain that, when they raised it, the perpetrator would say, 'No, they're lying; it never happened,' and the like. That is not unique. In these situations, when both indigenous and non-indigenous people make allegations, they face that situation.

Mr Debus established a six-person task force, five of whom were Aborigines, and their report was released ahead of the meeting of federal and state ministers. So, they had actually undertaken this. I mention this task force particularly because they had found that sexual assault of Aboriginal children was so widespread in New South Wales that not a single family in the 29 rural and metropolitan communities that they had visited was unaffected. So, within the families—bearing in mind that a family is not necessarily just a nuclear family in the Aboriginal community—of the 29 different communities that were operating and living in New South Wales, which had all been visited, they did not just pick out the APY lands or cherry-pick out a couple of communities, they did the whole lot, not one family escaped an allegation of abuse and, in particular, sexual assault. That ought to have told those leaders, who met 11 months ago at their national summit, that this was already going on, it was comprehensive, it was widespread and in New South Wales, it would seem, no family escaped. One can only hope that of the numbers of children in those families, hopefully only small numbers were victims. That is how obvious it was, that is how prevalent it was, and that other aspects in relation to pornographic material, apart from issues of sexual assault, formed a myriad of aspects of the reports there.

Another person who got on with the job at the time was justice minister Chris Ellison. He had, at that stage, backed a plan to allow the Australian Crime Commission to proceed with a task force investigation, which I will refer to in a moment. He said that he would make sure that they would back the commission being able to compel witnesses to give evidence as part of a push to end, at that stage, the scourge of substance abuse and sexual violence in indigenous communities. So, he came out and said that it was very important that they do this because, as some may be aware, under the law there are certain opportunities for people to avoid giving evidence against a spouse or being forced and compelled to attend to give evidence in certain circumstances, but he wanted to make sure the Australian Crime Commission was given very clear authority to be able to properly look into what he saw was a widespread and serious problem.

He said that there were aspects of organised crime; he claimed that the violence, substance abuse and sexual abuse revealed in the Aboriginal communities had the hallmarks of serious and organised crime, including codes of silence, non-reporting of crimes and intimidation of witnesses. So, the feds knew about it and they did something about it; they made sure that there would be a task force to investigate all of these aspects, but most particularly, for the purposes of this, child sexual abuse, pornography and substance and alcohol abuse. I hasten to add here that the introduction of and use of drugs as part of the armoury to perpetuate abuse on women and children is well-known, and it was certainly well-known to them.

Nanette Rogers from the Northern Territory, as their senior prosecutor, certainly had no hesitation in coming forward to make sure that there was a revealing of this and that it would have a chance to be heard. One of the examples that she raised was of the 18-year old girl, who was petrol

sniffing, who had been raped at an isolated waterhole and had then drowned. She had been the victim of rape and murder. It was on the table, it was obvious and it was clear that something had to be done.

I am advised (and I say this because I have the material from the website of the ACC) that the National Indigenous Violence and Child Abuse Intelligence Taskforce got off to a good start. Back in July 2006 it was announced that it had joint funding by the commonwealth and states and territories to look into a number of aspects of violence and child abuse; however, that was the narrowness of its scope. There had been a significant level of consultation and, having been established, the taskforce continues to operate and will do so until the end of next year—that is another 18 months. A final report is expected to be made to the Australian Crime Commission in mid 2009. They have got on with their job and if we were smart we would get on with ours—we get the terms of reference right, we clear the Mullighan inquiry desk of its current task, and we give them a reasonable time frame to look across South Australia, as the National Indigenous Violence and Child Abuse Intelligence Task Force has done.

I am pleased that is going on, and being with the Australian Crime Commission gives us some reassurance that there is a capacity for appropriate referral for prosecution and, even more importantly, for action to protect children as stories come forward. New South Wales got on with it and, at the federal level, the Australian Crime Commission got on with it.

I now wish to refer to the Northern Territory for a moment, because it has also been getting on with things. My understanding is that the Northern Territory inquiry has had mixed reviews in terms of how effective it has been; however, I will say that once they became aware of a very serious situation these people got on with it. That is as it ought to be because it was right on the desk, right in the face of everyone here in South Australia, particularly the minister. We did not just have it in our papers, we also had it in the newspapers and on television but, of course, the minister had access to the information right there in front of him and he was the one attending this national summit.

While South Australia waited 11 months to even see a bill the Northern Territory got on with it, and Clare Martin reported what had happened in May this year in the Northern Territory Child Abuse Inquiry Report. There were co-chairs of that inquiry—Rex Wilde QC and Aboriginal health advocate Pat Anderson—and they conducted a seven month investigation, set up by the Northern Territory government in June last year. As I said, that was amid allegations of unreported child sexual abuse in some of the remote areas of central Australia, and there were allegations made there that were commensurate with the grotesque cases that we heard in South Australia.

One of the areas I found particularly offensive was that children as young as five were said to have contracted sexually transmitted diseases, while young girls were being prostituted for petrol at the Mutitjulu settlement (formerly the Ayers Rock township) near Uluru (formerly known, of course, as Ayers Rock). They were the subject of some of the stories from ABC's *Lateline* and subsequent police investigations, which suggested that there was no evidence to support the allegation.

So, here was a situation that was evident also in other reports: that you can quite often have an allegation; the inquiry goes ahead; it is found to have been without sufficient evidence; the file is closed; and the child or children are left in the same environment, unprotected. What Clare Martin did, after appointing Mr Wild and Pat Anderson as the chairs of this inquiry, was to send them out to do a comprehensive investigation of this matter. She clearly was not satisfied (which I think was a credit to her) at just seeing the police down there asking a couple of questions. People shut up, or declined to make a statement. They lived in these communities so, of course, they did not want to talk.

That was clearly a superficial and inadequate inquiry, at best, and frankly, at worst, it was an abandonment of responsibility of even the police officers in question. In any event, this inquiry proceeded. Even the chairs of the inquiry themselves described it as a fairly harrowing process. They visited 45 communities (not the two or three that are proposed in this bill), held 260 meetings, received 65 written submissions from individuals and organisations, and spoke to a number of the victims. They received a lot of material for consideration and, although the whole process was pretty grim and quite distressing and disturbing, they then proceeded to have their report presented and handed their findings to the Northern Territory minister only a couple of weeks ago.

I have not heard since whether Mrs Martin has published the report. It may have been published in the last few days but, to the best of my knowledge, it is sitting on her desk and, obviously, her government will need to consider what response they will give to it. The important point here is that, when the situation became alarming, when the situation became public, when the circumstances of these women and children became obvious for the world to see, New South Wales, the federal government and the Northern Territory got out there, got their inquiries going, made sure that they were comprehensive and, in two cases, have completed their work.

Our neighbouring state and territory—New South Wales and Northern Territory—have actually done the work, visited dozens of communities, spoken to hundreds of people, presented their reports (one is published and one I expect will shortly be published) and, at the federal level, we have a much more comprehensive inquiry, but it is out there, it has been funded and is under way, and we will ultimately have the report by mid-2009.

What has also been identified according to the inquiries I have made is that the Western Australian health department (and I am assuming they were represented at this rather large summit) were able to identify, amongst their profile of children who are in this high risk area—that is, indigenous children living in indigenous communities—that in Western Australia the number of children who had been infected with sexually transmitted diseases had doubled in the past five years. According to the Western Australian department's statistics, 708 children under 14 had been infected with diseases since 2001, and almost 80 per cent of the victims were Aboriginal.

This is a tragic situation. This was published; it was available for people to know about. In the Kimberley region in the state's Far North-West, four children under the age of four had been infected with chlamydia or gonorrhoea in 2005. It is almost incredulous to think that children of this age should have sustained this infection when we know that there was a very strong indicia of child sexual abuse from the literature available on the identification of child sexual abuse. The STD rates were also high in other states and, obviously, there were complaints about this culture of silence which became a subject of the inquiry and this high-level summit that was undertaken which is referred to.

As was reported widely in the media in mid last year, the New South Wales government had been under fire for sitting on that report in relation to Aboriginal child abuse, and the Queensland government department investigating its claims about child safety was too slow to respond to complaints of a 10 year-old girl who had been raped at Cape York. So, I compliment and commend New South Wales, the Northern Territory, Western Australia, and even Queensland eventually, for looking into these matters and doing some investigative work, protecting the children as they were going along where it had been identified and getting on with the job. Here we are in South Australia talking about doing a piecemeal, inadequate, highly selective inquiry which is expected to be undertaken and reported on within six months. That is totally unacceptable and, if we support this bill, we will let down the children and women of the APY lands and all the other remote communities in South Australia.

For the purposes of where we should be going and what the terms of reference should be, I draw the house's attention (and that of the government in particular) to the New South Wales example, because we want this to be done properly. I have pointed out that everyone else in Australia seems to have got on with the job and, if we are going to do it here, we should certainly do it properly. Bear in mind that, if we are going to charge that responsibility to Commissioner Mullighan and his team, who are eminently experienced and qualified to do that, they will need time to complete their current task, so we do have a bit of time to sort this out properly. The terms of reference of the Aboriginal Child Sexual Assault Task Force in New South Wales are as follows:

1. To examine how state government agencies respond to evidence of child sexual abuse that may be occurring in Aboriginal communities generally, particularly the barriers and capacities of agencies to address the issue of sexual violence in Aboriginal communities.
2. Identify key areas to be addressed by government in its response to the incidence of child sexual abuse.
3. Examine how family violence impacts on or contributes to child sexual abuse in Aboriginal communities.
4. propose measures to assist Aboriginal communities to develop their governance and economic capacity.
5. recommend practical solutions for addressing incidents of sexual abuse in Aboriginal communities, including any necessary legislative and administrative measures.
6. comment on the possible adaptation of alternative sentencing and restorative justice processes as an adjunct to the criminal justice system.
7. examine how non-government organisations respond to child sexual abuse.
8. propose safety and support measures for children reporting the abuse.

The task force is to consult widely, including with representatives of Aboriginal communities, youth health services, children's services, counselling services and related organisations. The task force is to consider national and international programs developed to address sexual abuse in indigenous communities.

The Attorney-General in New South Wales got out his instructions and established his task force. They comprehensively interviewed not only people on the lands (29 communities across New South Wales) but also other relevant interested parties. I think that that is very important, because there is little point in being able to proceed with an inquiry if you do not also work with the people who are, at least at this stage, attempting to deal with the issues out there at the moment.

They gathered the information from the review of the literature and relevant research from written submissions and other information from government agencies, which is very important; written submissions from non-government agencies and individuals; consultations with Aboriginal communities across New South Wales; and consultations with government and non-government agencies. The starting point for analysis and current research into child sexual assault in Aboriginal communities was comprehensive. They can do it, and so can we. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

MOTOR VEHICLES (EXPIATION OF OFFENCES) AMENDMENT BILL

Received from the Legislative Council and read a first time.

STATUTES AMENDMENT (AFFORDABLE HOUSING) BILL

The Legislative Council agreed to the bill with the amendments indicated by the following schedule, to which amendments the Legislative Council desires the concurrence of the House of Assembly:

No. 1. Clause 4, page 5, lines 7 to 9—
Delete subclause (1) and substitute:
(1) Section 3(1)—after the definition of *board* insert:
Chief Executive means the Chief Executive of the Department and includes the person for the time being acting in that position;

No. 2. Clause 4, page 5, line 14—
Delete subclause (3)

No. 3. Amendment No 3 [Police–2]—
Clause 4, page 5, lines 16 and 17—
Delete subclauses (5) and (6)

No. 4. Clauses 5 and 6—
Delete these clauses

No. 5. Clause 7, page 6, after line 13—
Insert:
(5) In addition, in conducting its affairs, SAHT must establish consultative arrangements with groups and organisations with an interest in the housing sector, including (but not limited to) groups or organisations that represent the interests of tenants or the providers of community or Aboriginal housing.

No. 6. Clause 9, page 7, lines 1 to 40—
Delete this clause and substitute:
9—Amendment of section 16—General management duties of board
Section 16(1)(b)—delete paragraph (b) and substitute:
(b) providing transparency and value in managing the resources available to SAHT and meeting Government and community expectations as to probity and accountability; and

No. 7. Clause 10, page 7, lines 41 and 42—
Delete this clause and substitute:
10—Substitution of Part 2 Division 4
Part 2 Division 4—delete Division 4 and substitute:
Division 4—Use of services
17—Use of services
(1) SAHT may, by arrangement with the appropriate authority, make use of the services, facilities or staff of a government department, agency or instrumentality.
(2) SAHT may, with the approval of the Minister, engage agents or consultants, and enter into other forms of contract for the provision of services.

No. 8. Clause 11, page 8, line 4—
After 'committee' insert:

(to be called the *South Australian Affordable Housing Trust Board of Management* or "SAAHT")

No. 9. Clause 11, page 8, after line 7—

Insert:

(1a) SAAHT—

(a) will be constituted by persons with experience and knowledge directly relevant to housing, local government or urban or regional planning; and

(b) will have functions that include providing advice directly to the Minister and to SAHT; and

(c) will be capable of acting as a delegate of the Minister, SAHT or the Chief Executive under this or any other Act.

No. 10. Clause 11, page 8, line 10—

After 'the Minister' insert:

(and to the operation of subsection (1a))

No. 11. Clause 12, page 8, lines 14 to 20—

Delete this clause and substitute:

12—Amendment of section 19—Delegations

(1) Section 19(1)—delete '(or SAHT) under this Act' and substitute:

or SAHT under this or any other Act

(2) Section 19(2)(c)—after 'the board' insert:

(or SAHT)

No. 12. Clause 14, page 9, lines 28 to 31—

Delete all words in these lines and substitute:

The owner of land and SAHT may, by instrument in writing executed by both parties—

No. 13. Clause 19, page 14, lines 6 to 31—

Delete subsections (5) to (8) and substitute:

(5) The Appeal Panel may, after hearing an appeal under this section and conducting such inquiries as the Appeal Panel thinks fit—

(a) confirm, vary or revoke the decision to which the proceedings relate;

(b) refer the matter back to SAHT or the Chief Executive, with such suggestions as the Appeal Panel thinks fit;

(c) make incidental and ancillary orders.

(6) The Appeal Panel must ensure that the applicant and SAHT are provided with a written statement setting out the Appeal Panel's decision and the reasons for the decision.

No. 14. Clause 19, page 14, after line 42—

Insert:

(10) A decision on a matter that has been the subject of a review under section 32C which constitutes an administrative act within the meaning of the *Ombudsman Act 1972* may be investigated by the Ombudsman under that Act despite the fact that this section provides a right of review (and section 13(3) of the Act will not apply in such a case).

No. 15. New clause, page 14, after line 42—

Insert:

19A—Insertion of section 39A

After section 39 insert:

39A—Redevelopment of residential property

Where—

(a) SAHT is the landlord of residential property; and

(b) SAHT requires possession of the residential property for redevelopment or renovations,

SAHT must take reasonable steps—

(c) to consult with any tenants occupying the residential property (*the tenants*) about their housing options; and

(d) to arrive at an outcome that is fair and reasonable in the circumstances after paying particular attention to the age, health and any special needs or circumstances of the tenants and to the nature and availability of housing (being an outcome which may include relocating the tenants to other premises on an ongoing basis or proceeding on the basis that the tenants will return to the same site or locality after the redevelopment or renovations are completed).

No. 16. Clause 20, page 15, after line 6—

Insert:

(1a) The report must include a report on the operations of SAHT for the relevant financial year.

No. 17. Clause 70, page 31, lines 7 to 29—

Leave out all words in these lines and substitute:

(ii) the Appeal Panel may, after hearing the appeal and conducting such inquiries as the Appeal Panel thinks fit—

(A) confirm, vary or revoke the decision to which the proceedings relate;

(B) refer the matter back to SAHT or the Chief Executive, with such suggestions as the Appeal Panel thinks fit;

(C) make incidental or ancillary orders; and

(iii) the Appeal Panel must, after making a decision under subparagraph (ii), ensure that the parties to the proceedings are provided with a written statement setting out the Appeal Panel's decision and the reasons for the decision.

No. 18. Clause 93, page 40, after line 14—

Insert:

(4) Section 5(2)—after paragraph (a) insert:

(ab) Section 65 (*Quiet enjoyment*);

No. 19. Clause 93, page 40, after line 14—

Insert:

(5) Section 5(2)—after paragraph (c) insert:

(ca) Section 87 (*Termination on application by landlord*);

SUPPLY BILL

The Legislative Council agreed to the bill without any amendment.

ADJOURNMENT

At 6 p.m. the house adjourned until Tuesday 5 June at 11 a.m.