LEGISLATIVE COUNCIL

Wednesday 5 June 2002

The PRESIDENT (Hon. R.R. Roberts) took the chair at 2.15 p.m. and read prayers.

PAPER TABLED

The following paper was laid on the table:

By the Minister for Aboriginal Affairs and Reconciliation (Hon. T.G. Roberts)—

Social Development Committee, Sixteenth Report—Inquiry into Attention Deficit Hyperactivity Disorder—Interim Response by the Minister for Health, the Hon. L. Stevens, M.P.

LEGISLATIVE REVIEW COMMITTEE

The Hon. CARMEL ZOLLO: I lay on the table the fifth report of the committee and move:

That the report be read.

Motion carried.

The Hon. CARMEL ZOLLO: I lay on the table the sixth report of the committee.

WORLD ENVIRONMENT DAY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a statement made by the Premier in another place on World Environment Day.

GAS RATIONING

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a statement made in another place by the Minister for Energy on temporary gas rationing.

FOOD REGULATIONS

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a statement made in another place by the Minister for Health in relation to food regulations.

HUGHES CASE

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

Leave granted.

The Hon. P. HOLLOWAY: During the committee stage of the Agricultural and Veterinary Chemicals (Administrative Actions) Amendment Bill on Thursday 30 May, I was asked a number of questions regarding the government's position on template legislation and the effect of the High Court's decision in R v Hughes on legislation in South Australia, including whether any similar cases were currently before the courts. In response to those questions I advise the following.

The previous government had a set of guidelines that it approved in 1994 concerning the manner in which South Australia would participate in national schemes of legislation. I understand that this did not limit the government to any particular choice of legislative model but simply explained the various models and set criteria for their evaluation in a particular case. The government is, of course, not bound by guidelines prepared by the former government for its cabinet.

The Attorney-General is currently working on an updated set of cabinet guidelines for the evaluation of proposals for nationally uniform or consistent legislation and cooperative regulatory schemes which will be referred to cabinet for its consideration in due course. The new guidelines will include reference to recent issues arising out of national regulatory schemes and an explanation of the advantages and disadvantages of the various models of legislation on which they may be based.

In relation to legislation caught up in R v Hughes, the Attorney-General has advised me that commonwealth and state officers, including South Australian officers, have done a considerable amount of work in this area. In legislative terms, the following remedial action has been taken.

In relation to the corporations scheme, the states, including South Australia, have enacted legislation giving effect to a limited reference of power. A new scheme, based on commonwealth legislation, commenced on 15 July last year.

In relation to other cooperative schemes, South Australia has enacted the Co-operative Schemes (Administrative Actions) Act 2001. All other states have or will enact similar legislation. This legislation ensures that any past administrative action of a commonwealth officer or agency, taken under prescribed South Australian cooperative scheme legislation, has the same legal effect as if it had been validly taken by a state officer or agency under the legislation. South Australia's act commenced on 16 August last year and was applied to the National Crime Authority (State Provisions) Act from that date. It is proposed to apply the act to the Agricultural and Veterinary Chemicals (South Australia) Act once the Agricultural and Veterinary Chemicals (Administrative Actions) Amendment Bill, now before the parliament, is passed, if this is the case, and brought into operation.

The Co-operative Schemes (Administrative Actions) Act may be applied to other state cooperative scheme legislation, if this proves necessary. Amendments to the state's classification legislation have been enacted and commenced on 22 March this year. These legislative measures complement commonwealth legislation and legislation of other jurisdictions that participate in the relevant cooperative schemes.

The South Australian government has been advised that the commonwealth Attorney-General has written to all commonwealth ministers requesting them to ascertain the potential impact of the Hughes decision on any cooperative arrangements for which they are responsible. This process, we understand, is well advanced. The commonwealth has undertaken to update the states on the results of these inquiries.

Further amendments to state legislation may be necessary, depending on the outcome of the commonwealth Attorney-General's inquiries. I can assure honourable members that the task is well in hand and that considerable work has already been done.

In relation to any pending Hughes-type cases, the Attorney-General advises that there are, to his knowledge, three such matters currently before the High Court. In two of those, the High Court is still to determine whether special leave to appeal should be granted. The third—the matter of Macleod v the Australian Securities Commission—was argued earlier this year. A decision is to be handed down. Given that all three matters are still before the High Court, it would be inappropriate for me to saying anything further on

them. The Attorney-General is still to say whether further cases are pending. I trust this information satisfies honourable members' concerns.

PARLIAMENTARY SITTINGS

The PRESIDENT: I have an answer to a question asked yesterday by the Hon. Mr Redford, for which I thank him. In response, I have to advise that there has been minimal effect on the parliament's budget as in the past financial year there have been fewer sitting days due to the election and subsequent delay in parliament's reconvening. The effect on the future budget will depend on whether the parliament continues to sit for four days a week next year. There could be some financial pressures on the catering division in the budget, which will be monitored by my officers. As stated yesterday, the issue of accommodation and a travel allowance for country members is a matter for the Parliamentary Remuneration Tribunal, to which members are at liberty to make their own submissions.

QUESTION TIME

MINISTERIAL DOCUMENTS

The Hon. R.I. LUCAS (Leader of the Opposition): My question is to the Attorney-General through the Leader of the Government. First, will he confirm with the Premier and the Treasurer that when they left office in 1993, upon the defeat of the Bannon-Arnold governments, they took copies of documents from ministerial offices and, in particular, whether the now Treasurer, then ministerial adviser, took copies of documents related to the Marineland scandal involved with the Bannon and Arnold governments? Secondly, given the Attorney-General's views on these issues—views not shared by the shadow attorney-general in the Liberal Party—what actions would he propose to take in relation to those issues?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The Leader of the Opposition is asking a question about something that happened some eight years ago. What is perhaps more current is what has happened—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —in 2002 in relation to cabinet documents and what is the current law and not the law as it operated in 1993. Perhaps more relevant is what law operates in 2002 and what the previous government has done. I have no idea what documents—

Members interjecting:

The PRESIDENT: Order! Members of Her Majesty's loyal opposition will come to order.

The Hon. P. HOLLOWAY: I have no idea what happened, but I will refer the question to the Premier to see whether he wishes to answer it. I would have thought what is far more relevant is what documents the previous Treasurer has, and in particular the one that I understand went missing from Treasury.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: This is the particular document that apparently went missing from Treasury, a copy of which the former Treasurer was able to circulate to all of us a few weeks ago with his little handwritten notes on it. Perhaps that is the issue in relation to the documents that we should be more interested in.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: Don't like the truth? Well, the truth is that I think the Leader of the Opposition has an enormous amount of gall to be asking these sorts of questions. Nevertheless, being an open and accountable government, I will be pleased to pass on those questions to the Premier.

Members interjecting:

The PRESIDENT: Order!

CONSTITUTIONAL CONVENTION

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking a question of the Leader of the Government in the Legislative Council, representing the Premier.

Leave granted.

The Hon. R.D. LAWSON: An article in today's *Australian*, under the headline 'MP turns blowtorch on Rann', states:

> South Australian Premier Mike Rann has caved into the first threat to his tenuous hold on power from independent Speaker Peter Lewis. Mr Lewis, the Speaker, stated, 'The government must delay the commission's [meaning the Electoral Districts Boundaries Commission] deliberations until after the convention [meaning the proposed constitutional convention] in order for its recommendations, which might include reducing the number of MPs in both houses, to be considered by parliament before boundary changes.'

The Attorney-General (Hon. Michael Atkinson) is quoted as saying that he would request the Electoral Districts Boundaries Commission to defer redistribution until the convention planned for later this year. The constitution of South Australia provides:

> The Electoral Districts Boundaries Commission is required to commence within three months after polling day and shall proceed with all due diligence to complete those proceedings.

Members interjecting:

The PRESIDENT: Order! This is not a debating society.

Members interjecting:

The PRESIDENT: Order! This is not a matter for debate—it is a question.

The Hon. R.D. LAWSON: The commission began its hearings on 6 May and laid down a timetable. At the hearing, the Liberal Party, the Australian Labor Party and the Australian Democrats were represented. Mr Ian Hunter represented the Labor Party. He made submissions but did not seek to have the proceedings deferred. There have been further hearings at which evidence was taken on 28 May and 4 June. Mr Hunter has been present on each occasion and has not mentioned the issue of deferring the proceedings of the commission.

Section 85 of the constitution provides a process by which representations are made in writing to the commission in accordance with the timetable laid down by the commission. There is no provision for resolutions of parliament or any form of submission being made outside of that process. With regard to the constitutional convention, I remind the council that the terms of reference of the proposed convention announced by Speaker Lewis have not yet been announced, no constitutional convention has been established, the details of its composition or what it is to do have not yet been announced, nor has any bill been proposed to change the number of the members of either house of parliament. In these circumstances, my questions to the Premier are:

1. Is the government committed to implementing the recommendations of the constitutional convention as the Hon. Michael Atkinson suggested in the quotation in the *Australian*? In other words, whatever the result of the commission, is the government committed to it?

2. Will the Premier assure the parliament and the community that the provisions of the constitution of this state will be respected?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Of course the provisions of the constitution will be respected. I am sure that the Deputy Leader of the Opposition is well aware that the government is committed to a constitutional convention later this year. I think that will be a very healthy exercise for this state. I think that a review of the constitutional provisions of this state is long overdue. The convention will be an opportunity for many of the issues relating to the constitution of this state to be discussed, and I think it is entirely appropriate and timely that that should be done. I think that most South Australians would warmly welcome such a process.

In relation to the particular issue, it is my understanding that the Attorney-General has a notice of motion on the *Notice Paper* in the House of Assembly today. So, I suspect the—

An honourable member: So what? It doesn't change the constitution.

The Hon. P. HOLLOWAY: No, that is right, it does not change the constitution.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: It is amazing how members opposite seem to wish to—

Members interjecting:

The PRESIDENT: Order! The Hon. Mr Redford and the Hon. Mr Cameron will come to order.

The Hon. P. HOLLOWAY: Any change to the constitution, or any recommendation to come out of the constitutional—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. Cameron: Can we get that interjection of his recognised?

The PRESIDENT: Order! You will get your interjection recognised, the Hon. Mr Cameron!

The Hon. P. HOLLOWAY: I remind the council that any suggestions coming out of a constitutional convention, to be given effect to, would have to pass both houses of parliament and, in some cases, depending upon which powers they might affect, would have to be passed by a referendum, particularly if they were to affect the powers of this council. At least, that is my understanding of the constitution of this state in relation to some of its provisions.

The only issue that is being discussed here, as I understand it, is that of the Attorney who, through his notice of motion before the House of Assembly today, is expressing the view that, given that there is to be a constitutional convention at which a number of issues will be discussed, including the membership of the houses of parliament, it would be preferable if consideration by the boundaries commission were to be held over until afterwards. That is, as I understand it, the view that is expressed in the Attorney-General's notice of motion. I will pass this question on to the Attorney-General and see whether he wishes to add anything further to that answer.

The Hon. R.D. LAWSON: Sir, I have a supplementary question. Is the notice of motion today another case of the Lewis tail wagging the Labor dog?

The PRESIDENT: Order! Honourable members should not reflect on the chair.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: The answer to that is no.

The Hon. T.G. CAMERON: Sir, I also have a supplementary question.

An honourable member interjecting:

The PRESIDENT: That applies to the Leader of the Opposition, also.

The Hon. T.G. CAMERON: If we are to have a constitutional convention in November, can the leader of the council check with the Attorney-General as to what dates it will be held on so that we have the maximum advice necessary? Parliament is sitting in November.

The Hon. P. HOLLOWAY: I am not sure where November comes from: is that from the paper? I am not aware of a date having been firmly set at this stage for the constitutional convention. I will again refer that question to my colleague the Attorney-General in another place and bring back a reply.

REGIONAL DEVELOPMENT

The Hon. A.J. REDFORD: I seek leave to make a brief explanation before asking the Minister for Regional Affairs a question about regional development.

Leave granted.

The Hon. A.J. REDFORD: The Hon. Terry Roberts has, over the years, worked very hard to represent the interests of rural south Australians, particularly in the South-East.

The Hon. T.G. Roberts: Hear, hear!

The Hon. A.J. REDFORD: I note the minister's interjection. On occasions he has worked with me in a bipartisan way to assist people in the South-East on a range of issues affecting primary industries, water, fishing, etc. No doubt he would have been extremely concerned at the Treasurer's announcement on 14 May that he intends to review expenditure and, in particular, its impact on regional communities. He would have read in complete dismay the Minister for Housing's announcement on 16 May that regional accommodation initiatives in Bordertown, Naracoorte, Penola and the member for Hammond's Pinnaroo are 'under review in connection with budget bilaterals'. Indeed, Mr President, he—and no doubt you as another champion of regional development—would be angry that the CEO of HomeStart has advised the Legislative Review Committee that there has been no progress on the housing initiative since this government was formed, leaving workers in these areas to have to resort to living in caravans and commuting from places such as Adelaide.

We all know that we are experiencing a rare window of opportunity to grow our rural communities through the expansion of housing on the back of the grape, wine and horticultural boom in the South-East. This may be an opportunity never to be repeated. Indeed, the Hon. Terry Roberts reported to us last week the positive response which the cabinet got when it met in the South-East recently. In the case of a number of ALP members, I suspect that that was their first visit to the region. Today, notice was given to disallow regulations which would enable HomeStart to

facilitate the construction of new rental accommodation in regions where the lack of available rental accommodation is inhibiting regional economic development. In the light of this, my questions are:

1. Does the minister support the existing regulations given that they do not of themselves have any budget implications?

2. Does the minister agree that this is an important initiative for regional development?

3. Was this issue raised with the minister on his recent cabinet visit to the South-East?

4. Did the minister reassure country people that steps will be taken to alleviate the problem of people having to sleep in caravans or on shearing shed floors and to ensure that rural communities take up this opportunity to grow their local communities?

5. With whom did the minister meet on this topic of housing when in the South-East?

The Hon. T.G. ROBERTS (Minister for Regional Affairs): I thank the honourable member for his very important question, one with which both the opposition and the government have been wrestling for some considerable time, and we are still wrestling with the shortage of housing accommodation in the South-East in particular. There are a number of aspects to the questions which deserve replies. I will answer them as well as I can within my portfolio responsibilities, but there is one section that I will have to refer to the Minister for Housing and Urban Development.

The question of work force accommodation is related to managing growth. After the rural recession which most regions had to bear over perhaps the previous decade in varying degrees, having to manage growth was welcomed in many regions. Growth in the industries to which the Hon. Angus Redford refers (horticulture, viticulture and the blue gum industry, in particular) was extraordinary in the South-East. This added a lot of pressure to the existing housing stock south of Keith and Bordertown. Added to that was the start-up of the meatworks and the problem with that industry of its stop/start nature. All of this contributed to the weight of the problem with which the previous government had been wrestling since the year 2000.

The private sector has not picked up the investment programs or regimes that you would expect with the growth that particularly the upper and lower South-East have experienced; and, unfortunately, many of the individuals and companies that you would expect to be addressing regional accommodation, considering the short and long-term benefit they will receive from their investment portfolios, have not picked up the challenge. Therefore, it has been put back on to the government to come up with programs or regimes for both permanent and temporary housing within that geographical area.

Unfortunately, the position in which we now find ourselves is that the points raised by the honourable member are accurate; that is, people are having to either travel a long way or sleep in temporary accommodation in caravan parks, and worse—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: In shearing sheds, in some cases. In the case of some labour hire contractors, they have not acquitted themselves with any fame regarding some of the proposals and half-baked programs that they have put together. Since taking over the portfolio, I have spoken to local government and to others who might offer solutions to the temporary problems associated with accommodation, including SERDI, which has put forward a proposal for temporary accommodation which it has designed and developed in the South-East. The Naracoorte council has put forward a proposal which deserves consideration and support, and I will be meeting with members of the council later in the month.

Millicent has put forward a proposal through the Wattle Range council for trying to overcome the housing stock problem by providing transport in the form of a bus to the grape growing areas. All of these temporary arrangements have been found to be unsuitable. The proposal being put forward as a method of dealing with the problem is to use HomeStart as a generator of capital in the area and to generate stock via having the HomeStart investment strategies. We are looking at alternatives to using HomeStart. The Minister for Housing and Urban Development is looking at the regulations and innovative ways of dealing with the problem.

As I said, a whole wide range of permutations need to be considered. The Office of Regional Development has put forward a recommended plan which is being considered, and certainly all the stakeholders will be consulted. I understand the issue that the member is raising and that the problem is immediate: it needs an immediate response. However, with economic development, which is what this government is trying to do, comes the responsibility of social development, and included in social development is housing stock. The twin issues of economic development and social development certainly were not considered at the time when the massive investment was occurring in the South-East.

There is a time lag with housing. Even if we started to consider the use of innovative funding programs, which I am trying to develop, there would be a time delay before the implementation of those programs. I would say that, even if a program were started now, we would not have the housing stock that is required in that particular region available until well after the Christmas period. I will refer the unanswered part of the question to the minister in another place—

The Hon. Caroline Schaefer: You mean some of it was answered?

The Hon. T.G. ROBERTS: I have agreed with the honourable member's assessment that there is a problem. It is not just a passing or temporary problem for the South-East. There is a serious infrastructure shortfall. We will be talking to the private sector. We will be talking also to local government. I will try to arrange a meeting in the South-East with possible financial backers or supporters, those people who might be interested in looking at a prospectus for infrastructure. It is a multifaceted problem but, hopefully, we can have an answer within the near future.

The Hon. A.J. REDFORD: I have a supplementary question. Will the minister accept our best wishes in his fight with the Treasurer, Mr Foley, on this issue? He seems to have little understanding of rural communities.

The Hon. T.G. ROBERTS: The way in which we as a government dealt with infrastructure problems in the past was by using the Housing Trust. Certainly, I would like to have the trust available to me as a tool to come to terms with the problem but, unfortunately, commonwealth funding programs and regimes—

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: —under both major parties has disappeared. The current policies have created extra housing stock in some areas of the state, and a tight budgetary position and no extra housing stock in other parts of the state. That needs to be considered.

The Hon. J.S.L. DAWKINS: I have a supplementary question. What is the current status of the Regional Work Force Accommodation Solutions Study, which was an initiative of the Office of Regional Development with funding support from the commonwealth government, other state agencies and the regional development boards in the South-East and the Murraylands?

The Hon. T.G. ROBERTS: The issue will be on the paper for consideration at the next national meeting. The other aspects of the report will certainly be considered. The issue of using HomeStart is under consideration by the government, but it will be given further consideration. I cannot give a reply on that until the question is answered by the referral to the minister in another place.

INDIGENOUS CONSULTATION

The Hon. G.E. GAGO: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about consultation with indigenous people.

Leave granted.

The Hon. G.E. GAGO: There has been a great deal of media in recent weeks concerning indigenous issues such as National Reconciliation Week, Mabo Day and, disturbingly, the Coroner's inquest currently being conducted in the AP lands, to name a few. I am sure the minister is willing to meet with individuals, communities and organisations to discuss the issues that affect their lives. My question is: will the minister outline his commitment to direct dialogue and consultation with indigenous people?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): It is worth noting by this council that National Reconciliation Week and Mabo Day have passed. They are two areas or reasons for dialogue within the community at a broader level that went very well. Mabo Day is a day for celebration by the indigenous communities within Australia. National Reconciliation Week is a reason for celebration across the broader community. The Coroner's inquest, which was referred to by the honourable member, is not a reason to celebrate, but the findings will be very damning on us as a community as to why we did not act sooner in relation to a range of problems. The issues of National Reconciliation Week and Mabo Day can be brought into and under an umbrella where we deal with those serious issues of consultation with the indigenous communities by a method different from that which we used in the past.

We have tended to use and to bureaucratise our leadership within indigenous communities to a point where the contact that we require, to pick up the nuances that exist within the communities, tends to be represented in some cases in a way which does not accurately reflect the real problems that people are experiencing on the ground. We have to have that direct dialogue to make sure that what the communities expressions are in relation to a changed position within their particular geographical location are acted upon straightaway. I think we need direct dialogue with people on the ground within the communities talking to the traditional owners, to the elders, to make sure that the systems of governance that are in place have been put in place by the indigenous communities and that they are paid the respect that they deserve. I think that is the first point—that respect has to be paid to the leadership within those communities before we can actually start up dialogue. Once that has been done and is respected we can take the next step, which is to try to work with the traditional leadership that is elected to identify those problems in the communities and then try to accept the recommendations that come with solving those problems by the communities themselves.

As I have said, the next step that we have to take is enterprise building within those communities—community building—so that the indigenous leadership can start building programs where empowerment takes place and ownership of those problems takes place within those communities in a mature way so that we can then allow for the infrastructure support that is required in those communities to make a difference to their lives. At the moment—and it is not only in South Australia but across Australia—the conditions of many indigenous people within our metropolitan and regional areas within the broader community have broken down to a point where we have to try a different form of communication, and direct negotiations are one way in which we can add to the negotiations and discussions that take place between the elected leaders and the traditional owners.

GREENHOUSE GASES

The Hon. M.J. ELLIOTT: I seek leave to make a brief explanation before asking the Minister for Agriculture, representing the Minister for Energy, a question in relation to better energy use.

Leave granted.

The Hon. M.J. ELLIOTT: My question relates to an article in the *Australian* of 28 May at page 2 that reported that the Australian Conservation Foundation had said that Australia's energy market reform process has failed environmental outcomes. It warned that the degradation would continue unless Australians curb their use of coal-fired electricity. It is important to note that in November 1999 the Australia Institute reported to the Senate Inquiry into Global Warming that, at 26.7 tonnes per capita, Australia had the world's highest greenhouse emissions per person.

Further, a leaked report from the Australian Greenhouse Office last April revealed that, rather than meeting its international responsibility of limiting greenhouse gas growth to 10 per cent until 2010, Australia will increase greenhouse emissions by 33 per cent over that period. With this in mind, I note that the government announced some initiatives today, including the Starfish Hill wind power plant, as well as incentives to use more environmentally friendly technologies, such as the photovoltaic rebate program.

However, we also recognise that there is a long way to go before South Australia has environmentally friendly energy generation. The Australian Conservation Foundation believes that improving consumer awareness is one of the things that needs to happen—that is, awareness about the creation of greenhouse gases—if we are to encourage energy efficiency. One suggestion is that South Australians, when they receive their power bills, should not only receive a statement as to how much energy they consume and what it costs but they need to be given some measure as to its impact as well. For instance, the number of trees that will be required to absorb the carbon dioxide created by their use of electricity. My questions are:

1. Is the minister aware of information provided by the ACF to the Council of Australian Governments Energy Review that electricity generation was responsible for 40 per cent of Australia's greenhouse gas emission?

2. Is the minister also aware of the ACF's proposal for customers' electricity bills to disclose greenhouse gas

emissions to encourage more efficient energy use and the greater take-up of green energy generation?

3. Is the minister prepared to explore the introduction of such a proposal in South Australia?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to my colleague the Minister for Energy in another place for his response. I am aware that this state has one of the lower levels of greenhouse gas emissions per capita compared with other states because, of course, we do have—

The Hon. M.J. Elliott interjecting:

The Hon. P. HOLLOWAY: That's right, because for electricity generation we rely much more heavily than other states on natural gas, which, of course, reduces our relative contribution. I will refer those questions to the minister in another place.

SPEED CAMERAS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, questions regarding speed cameras.

Leave granted.

The Hon. T.G. CAMERON: In today's *Advertiser*, next to the stories on the top 10 postcodes for South Australian motorists caught by speed cameras and issued expiation notices for both city and country, as well as the top 10 post-codes for serious motor vehicle accidents, on page 8 there appears a list of locations by street or road where speed cameras will be located today in metropolitan Adelaide. For country areas, the article states:

> Speed cameras will also be located in the West Coast area this week.

Metropolitan speed camera locations are also made available daily on Adelaide television; they are announced on the radio regularly; they are advised daily in the *Advertiser*; and they are listed on the government's own web site. As far as I can determine, no details of more specific speed camera locations in the country are listed, other than a very general geographic location in the *Advertiser*, yet city drivers are advised on a web site, on radio and on television. I also understand that country television, radio and newspapers do not list speed camera locations, and it would appear that we have a two-tier system: one for the city and one for the country.

City people are able to find out easily the general proximity of speed camera locations on a daily basis, whilst country people have, at best, only a vague idea of where speed cameras may be located, and it could be a geographical area spanning hundreds of kilometres. Surely, it would not be too difficult for the police to supply the country media with the location of speed cameras on the same basis as the media here in the city. My questions to the minister are:

1. Why are the locations for speed cameras in country South Australia not listed on the government's web site?

2. Do the police currently supply locations of speed cameras to any of the country media and, if not, will these locations now be made available to them?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Minister for Police for his response. I make the observation, however, that, if one were to give the location of a speed camera in a country area, exactly how would one define it—at the 30-kilometre mark on Highway One outside a particular town? I imagine that would be fairly difficult.

Members interjecting:

The PRESIDENT: Order! The *Hansard* readers will be fully aware.

The Hon. P. HOLLOWAY: I will refer this question to the minister to see whether he has any response. I make the comment that we are all aware that there is a very—

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: —unfortunate trend, as far as the road toll is concerned, in the state. Some of it is in relation to the country areas and it is important that we ensure that as a government we take all reasonable measures we can to try to reduce the road toll and that is what this government is doing. That response needs a range of measures, which is exactly what the government will do. The specifics of the question I will refer on to the minister.

WORLD WOMEN IN AGRICULTURE CONFERENCE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief statement before asking the Minister for Agriculture, Food and Fisheries a question on the World Women in Agriculture Conference.

Leave granted.

The Hon. CAROLINE SCHAEFER: The first World Women in Agriculture Conference was held in Melbourne in 1994, followed by another such conference in Washington in 1998. At the time of the 1994 conference the government at the time subsidised some fuel costs for a mini-bus to be taken to Melbourne with some 30 delegates from South Australia. In 1998 the government provided eight bursaries to women to attend the conference in Washington. Those bursaries were made up of contributions from PIRSA, the Office of the Status of Women and various industry bodies such as the AWB, PIBA, the Australian Barley Board, the Dairy Association and so on. No participant went for free and all were asked to make some contribution, but the assistance via the bursaries made it possible for eight women who would otherwise not have been able to attend a conference in Washington to do so.

When they came back they reported to their various sponsors and were widely covered, particularly in the rural press but in the state press also, and initiated a number of projects, including a project with an inner city primary school, raising students awareness of the importance of primary industries. The third World Women in Agriculture Conference is to be held in Spain in October of this year and the time for delegates to register is rapidly running out. In fact, the last piece of information I received was that registrations closed on 25 May. However, I understand that there has been some extension since then. My questions to the minister are:

1. Does his government intend to offer similar bursaries to South Australian rural women?

2. Will his department take the organisational role as it has previously?

3. When will he announce his decision?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Just this morning I was discussing with officers of my department a docket in relation to the World Women in Agriculture Conference, which is to be held, from memory, in Madrid in Spain from 2 to 4 October. It would certainly be my intention to support participation in that conference as I believe the goals of that conference are very

worthy ones. They have contributed benefits to this state and my department, as far as I am concerned, would be pleased to support it again. I intend to raise the matter with my relevant colleagues to see whether they can also provide support.

I understand that when this conference was held previously there was support from several departments, including primary industries. I guess the answer is yes: I will certainly be keen to see that the Department of Primary Industries supports participation in this conference. I am aware that a decision is needed fairly soon and I hope, as a result of decisions taken this morning, that will be under way and we will be advertising very shortly for participants in relation to that conference.

ROAD SAFETY STRATEGY 2010

The Hon. DIANA LAIDLAW: I seek leave to make an explanation prior to asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about the road safety strategy 2010.

Leave granted.

The Hon. DIANA LAIDLAW: Following my question yesterday on the fate of the road safety strategy 2010, I was interested to read the following confession by the Minister for Transport in an article on page 9 of today's *Advertiser* which states:

> It is no secret that road shoulder sealing is something that needs to be looked at—overtaking lanes is another area, he said.

I agree 100 per cent with that statement and therefore ask the minister:

1. Will he acknowledge that the former Liberal government, through Transport SA, developed both a shoulder sealing strategy and an overtaking lanes strategy for the entire network of national highways and rural arterial roads in South Australia, together with a priority list of works for each Transport SA region?

2. With respect to the shoulder sealing strategy, will he also acknowledge that the former Liberal government, through the cabinet process, agreed to commit a total of $14.9 million in forward budget estimates to commence the implementation of this strategy, consisting of $3.4 million this financial year, $3.65 million in 2002-03, $3.9 million in 2003-04, and $4 million in 2004-05?

3. In relation to overtaking lanes, will the minister acknowledge that the former Liberal government, through the cabinet process, agreed to commit a total of $24 million, consisting of $6 million each year over the next four years (2001-02 to 2004-05), providing in all for the construction of 38 overtaking lanes on the rural arterial roads within the state over a five-year period from 2000-01?

4. Will the minister confirm that, at the very least, the above-mentioned sums provided by the former Liberal government in forward estimates to the year 2004-05 for both shoulder sealing works and overtaking lanes will be honoured in full by the Rann Labor government and not cut as part of the government's average 2 per cent proposed cut to government agencies, other than, supposedly, health, education and emergency services?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those very worthy questions to the minister in another place and bring back a reply. I make the comment that it gives new meaning to the words 'coalition government' when budgets are set by previous governments for strategy development and prioritisation for forward estimates for the life of not just one government but of one and a half governments, in some cases, with some of the forward estimates.

When it comes to prioritising road safety, you will always get cooperation from any government that is interested in road safety in carrying out those worthy programs set by the previous government. That is the Westminster tradition, and we will not break with that tradition. The other observation I would make is that sometimes it is a bit like the shopping list my mother used to give me when I was a kid and went shopping up the street to get some groceries.

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order! The honourable member has asked the question.

The Hon. T.G. ROBERTS: Sometimes there was more on the shopping list than she gave me money for, and I had to ask the shopkeeper to put some of the things down. With those two caveats, I will refer those questions and bring back, I hope, a favourable reply from the minister in another place.

FEDERATION TRAIL

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the creation of the Federation Trail.

Leave granted.

The Hon. R.K. SNEATH: On 1 June 2002, it was reported in the *Advertiser* that the opposition's primary industries spokesperson (Hon. Caroline Schaefer) believed that farmers had not been properly consulted by the government in relation to the creation of the Federation Trail. I understand that the Federation Trail is an initiative of South Australian Recreation Trails Inc., which is a community-based, non-profit organisation. Can the minister advise the council whether he has received any information regarding the consultation process in relation to the Federation Trail?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Yes. In fact, I have received some correspondence from the Chairman of South Australian Recreation Trails Inc. (SARTI), which I would like to read into the record, because I think the council will find it of some interest. The letter states:

> Dear Minister,
>
> Caroline Schaefer made the following statement in the Legislative Council on 7 May 2002: 'Last week I was advised that part of the lengthy trail between Murray Bridge and Clare to be known as the Federation Trail was opened and I understand that the landowners concerned have not been consulted in any way.'
>
> The Federation Trail is a product of the South Australian Recreational Trails Inc., known as SARTI. SARTI was incorporated in 2000 with the objective of developing a state wide network of tourism and recreational trails designed and developed by walkers and riders in partnership with local communities, local, state and federal government. The Federation Trail is the first step in the development of the Mount Lofty Trails Network. The trail will provide a spine from which a range of local trails can be developed. These trails are being designed to enhance local business opportunities in outdoor tourism.
>
> The Mayor of the Rural City of Murray Bridge opened the first section of the Federation Trail between Murray Bridge and Mt Beevor a distance of 55 km on 7 April this year. In 2001 the then Minister of Recreation and Sport the Hon. Iain Evans met with a delegation from the SARTI board. Mr Evans was made aware of the trail and the SARTI board was informed by him that the government would support the trail on a dollar for dollar basis if SARTI could get outside funding. SARTI obtained funding from the Rural City of Murray Bridge, walking clubs and associations and many individual walkers and the SA Tourism Commission. Subsequent to this the minister granted funding for the trail.

The Murray Bridge council not only granted SARTI funding but also seconded an officer to undertake a GPS survey of the location of unmade road reserves where any doubt as to their location existed. All affected landowners were spoken to before the GPS survey was commenced and were made fully aware of what was happening. The Murray Bridge council sent a letter to all landowners whose property adjoined unused road reserves to inform them of the proposed trail. The name and telephone number of a contact person was also given and land owner invited to contact them should the adjoining they have any queries.

A map marked with the location of the trail was placed in the council foyer for inspection by the public three months before work commenced. The council's development officer contacted the relevant authorities with regard to any potential problems with weeds including broomrape before work on the trail was commenced.

The Federation Trail is mainly located over unmade or under developed public roads. However there are some substantial sections of the trail that pass over freehold land. The landowners of two properties contacted the SARTI board and proposed that the trail be located on their properties. Two owners helped build the trail over their land and both have undertaken to maintain the trail on their land. A landowner has at his own cost built a seat at a scenic point on the trail so that walkers can rest and enjoy the view. On another property the trail has been developed on private land instead of a road reserve because this location is more convenient to the landowner.

At one point it was found necessary to build a footbridge over a deep and steep sided creek. In consultation with the landowner the bridge was constructed strong enough and wide enough to take an agricultural bike so as to improve access to the property. The SARTI board were happy to comply. Several owners of land where access to road reserves was not easy allowed volunteers to drive over their land to bring in building materials required for the trail's construction. The Rural City of Murray Bridge and the District Council of Mid Murray are both members of the SARTI board.

In light of the above it must be obvious that the SARTI board is a responsible community body that is working with rural communities to achieve its aims of creating a viable range of tourism opportunities. Ms Schaefer has misled the parliament, caused unnecessary anxiety in rural communities, has offended the many unpaid volunteers who give up their leisure time, travel at their own expense and carry out arduous work often in difficult conditions.

This kind of misleading information can only make an already complex task even more difficult, time-consuming and costly for those who seek to serve their communities. All of this could have been avoided by simply making a phone call. In view of the damage that Ms Schaefer's comment may cause to the aims and objectives of the Board, we invite you to use this information in your answer to the house and ask that this letter be tabled at the earliest opportunity.

I believe it was appropriate that I should read that letter into *Hansard* so that the views of this very responsible community group could be placed on the record, and I thank the honourable member for providing me with the opportunity to do so.

ABORIGINES, SUBSTANCE ABUSE

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about petrol sniffing and substance abuse in Aboriginal communities in the state's Far North.

Leave granted.

The Hon. NICK XENOPHON: The minister has acknowledged that the issue of substance abuse has been a chronic problem for the past 30 years, and especially the past 10 years, in remote Aboriginal communities. Early last month, an Aboriginal leader, Noel Pearson, at the launch of Don Watson's biography on Paul Keating, attacked both federal Labor and coalition policies. Mr Pearson said:

Federal Labor seems to have abandoned Aboriginal people and simply ceased trying to develop a credible policy. It is not the case that the government has a raft of innovative policies aimed at helping communities to move beyond passive welfare and to confront substance abuse directly. They do not.

Mr Pearson said:

The only answer to the epidemics of substance abuse that devastate our community is organised intolerance of abusive behaviour.

A report on ABC radio yesterday stated:

A key Aboriginal figure says he doubts any useful changes will come from the inquest being held into petrol sniffing in South Australia's far north. The coroner is in the second week of an inquiry into the deaths of three young petrol sniffers on traditional Aboriginal lands. But the chairman of the state's Aboriginal Legal Rights Movement, Malcolm Davies, says the history of his people shows that such investigations are rarely followed up with action. He says the late 1980s Muirhead Royal Commission into Aboriginal Deaths in Custody is a case in point. 'There was a lot of money spent, [it was] more noise than action and. . . I feel strongly. . . that this is going to go the same way,' he said. 'We don't seem to get anywhere and they say, "but we're spending all these dollars", but we don't see nothing.'

My questions are:

1. Does the minister agree with the statements of Mr Davies, and how will he manage to break the cycle of substance abuse (especially petrol sniffing) when previous ministers (both Liberal and Labor), despite their best endeavours, have not been able to achieve a breakthrough?

2. Does the minister agree with Mr Pearson that there ought to be organised intolerance of abusive behaviour; and, given Mr Pearson's position as an outstanding and outspoken indigenous leader on issues including substance abuse, will the minister seek his advice in tackling such abuse in Aboriginal communities in the Far North of the state?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question.

An honourable member interjecting:

The Hon. T.G. ROBERTS: No, it is a very important question, and the focus of Australia's media will be on our northern lands when the Coroner finishes his inquiry after this week. The plight of people, particularly in remote regions, is summed up, in part, by the comments made by Noel Pearson. The cycle of welfare which Mr Pearson—

The Hon. Nick Xenophon: Passive welfare.

The Hon. T.G. ROBERTS: Yes. The cycle of passive welfare, to which Mr Pearson referred, is inherent in many communities because the choices and opportunities which are presented to the rest of Australia and South Australia are not available to many of these communities. The fact is that the employment prospects of young Aboriginal people, in particular, are bleak, not only in remote regions but in regional and metropolitan Adelaide. It is not just the fact that the educational, training and employment standards that are achieved by early adulthood are not enough to find them places in the market; there are other situations, involving in many cases their own personal circumstances, which hold them back from being able to compete in the marketplace for employment.

We have to wrestle with the cycle of alcohol and petrol sniffing abuse, violence and lack of choice and opportunities in the northern lands, in the Pitjantjatjara area, and that is something to which we all have to turn our minds. It is a question that I have raised in this place both in government and opposition, that is, that we have to do things differently. We have to tackle the problem not only at an individual level but at a community level. That is, we have to build up the health of the communities so that they are able to deal with

the problems of substance abuse and the lack of choice and opportunities.

The first thing we are doing as a government is drawing a line in the sand and saying, 'We will not allow things to get any worse.' We have to ensure that the circumstances in which people find themselves do not deteriorate any more than they have over the past decade. We have to target government funding programs so that the problems we intend to fix belong to the people in the communities and that the issues of substance abuse and lack of choice and opportunities are tackled by the leadership within those communities. It is not a matter of making more money available for more programs. It is a matter of ensuring that the programs now in place are made to operate and are targeted better to ensure better outcomes.

The matter of governance—that is, Aboriginal governance, indigenous governance and our own—should be streamlined to a point where people understand exactly what their responsibilities are in relation to taking on the ownership of these problems. It is our responsibility to ensure that our governance at commonwealth, state and local government level is simplified to a point where they understand exactly what our responsibilities are and that the people in positions of providing health, education and services are capable of identifying what the problems are and then encouraging those local communities to take ownership.

Over the years, many mistakes have been made in relation to dealing with these problems, but time has run out. I believe that the international media will start to take an interest in the outcomes of the Coroner's inquiry, and I am sure we will be condemned in many people's eyes, not only nationally but internationally, for some of the programs and the lack of programs for our people in remote and regional areas. I hope that the issues raised by the honourable member in relation to service provision and delivery are dealt with as swiftly as possible. Governance will take longer, because traditionally the negotiations for governance take longer.

However, I am hopeful that the changes we require will occur as soon as possible and that we will get those programs on the ground, because we have a chaotic circumstance on our doorstep with which we have to deal.

REPLY TO QUESTION

PARTNERSHIPS 21

In reply to **Hon. M.J. ELLIOTT** (28 May).

The Hon. P. HOLLOWAY: The Minister for Education and Children's Services has provided the following information:

1. I have to confess that I did not understand the particular article to which the honourable member has referred and am not responsible for anybody's comments, apart from my own.

2. The Labor Government's commitment to a strong public education system has been stated many times. There are many examples of outstanding schools with strong individual reputations who are proud to be part of a state system.

3. The Partnerships 21 review is headed by Professor Ian Cox in a steering group with working parties.

The Terms of Reference are:

- Identify the strengths and advantages of the Partnerships 21 model of local management, governance and accountability and report and make recommendations on how these should be maintained and developed over time.
- Identify those aspects of the Partnerships 21 model of local management, governance and accountability that either need improvement or should be discontinued and report and make recommendations on how they should be dealt with.
- Identify any new features or components that need to be incorporated in local management, governance and accountability.
- Identify, report and make recommendations on ways of ensuring that the interrelationships between sites and state office functions operate to contribute to the achievements of the government's education priorities while maintaining an effective organisation.
- Identify any aspects of the Partnerships 21 local management and governance model where participation in decision-making may need to be strengthened or varied to ensure the best educational outcomes for children and students.

The review will be conducted within the following guidelines:

- educational benefits must have primacy over all others;
- schools and preschools must remain responsible to the Department of Education, Training and Employment;
- teachers in schools and preschools must remain employees of the Department of Education, Training and Employment;
- the broad curriculum goals of the Department of Education, Training and Employment must be achieved;
- issues of disadvantage and social inclusion must be a clear focus;

  incentives and benefits of local management and governance for schools and preschools must be achieved at the local level;
- central agency services and support must be available to enable sites to function optimally.

MATTERS OF INTEREST

SHEARING INDUSTRY

The Hon. R.K. SNEATH: The concerns continue in the bush with the shortage of shearers about to harvest this year's wool clip. I will take this opportunity to congratulate those woolgrowers who make their sheep and shearing sheds available for shearer training each year. What is needed are more growers making their annual shearing available to learners and training schools. The Nutt family from Coonamona Station via Yunta, Pandurra Station south of Iron Knob, and Titalpa Station, which is owned by the McBride family, are three sheds which come to mind.

In this sort of training environment, the learners do the whole clip. At some of those stations, up to 15 000 sheep are shorn by advanced, learners and professional shearers. The best way to train shearers is in the shed environment, where they get paid for the sheep they shear while they learn, but the only problem is that it extends the shearing time for the wool grower because the learners, of course, are quite a bit slower than the professional shearers. In some cases it might extend the shearing time for a week or more. Unfortunately, this has resulted in not many learners being hired in these huge sheds. Not many of the raw learners doing 80 to 100 sheep a day are given a chance in these eight to 10 stand sheds. Normally, only two learners are given a chance, and the rest are advanced learners or professional shearers who take up the remaining five or six stands.

In some cases, shearers have been coming back for three or four seasons, and this does not allow for new people to enter the industry. One way in which we could improve this situation is to have the farmers or the wool growers in some way compensated for the extra time that a team of learners would take to shear the sheep. This could be done through money allocated to the provider, and money from industry and governments to pay for a wool classer for the duration of

the shed to lift the burden on the wool grower and to encourage more wool growers to make sheep and sheds available to learners.

This problem is very serious. It is mentioned nearly every month in the *Stock Journal*, and it is raised nearly every time one speaks to a wool grower. We have to encourage more people to make sheep available. The union, of course, does support—

The Hon. T.G. Cameron interjecting:

The Hon. R.K. SNEATH: The Hon. Mr Cameron says, 'Get the AWU onto it.' Well, the AWU does support shearer training, and it has played a role over a number of years to encourage shearer training and to support wool growers who make their facilities and sheep available. I also think that some of the money given to the providers would be better used to compensate the learners, especially in the beginner schools where the learners have to pay an amount each week to be trained, and they also pay for their keep and meals while away from home.

If we are serious about training shearers for the future, then some of the conditions that apply in other industries should apply in the shearing industry, especially in view of the current shortage. These conditions could be paid for out of money allocated to the providers. There should be at least two providers in South Australia because competition would make it more interesting and provide more opportunity for the learner or the beginner.

Robots have not succeeded, but I see they are on the way back again. At Burra next week a new shearing system will be demonstrated, and perhaps the next time a shearer comes into this place it might be a grumpy old robot with a crook back and rusty arthritis. I am sure that we should be doing something about the shortage of shearers' training—

Time expired.

POLICE MINISTER

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to express some concerns in respect of the actions of the Minister for Police, Mr Pat Conlon. In the past two weeks, Mr Conlon has been making a number of defamatory claims to sections of the media that a particular police officer (whom he has named) has been leaking information about the ACB inquiry into the member for Hammond. I say at the outset that, while a number of witnesses and others have provided information to me and other members of the Liberal Party in relation to this issue, on no occasion has a member of the police force provided us with information. I indicate at the outset that the Liberal Party remains as much in the dark about the time, duration and, indeed, extent of any conclusion that this serious investigation by the ACB might entail. These actions of the minister prompt me to put on the public record further concerns that I have, and have had for some time, in relation to actions that he has taken.

On 13 May this year a question was asked by Mr Brokenshire in the House of Assembly along the following lines:

> Has the Minister for Police expressed concern to senior police management about the participation of any police officer in the current investigation, and has any police officer been removed from that investigation after the minister's expression of concern to senior police?

The answer from the minister was as follows:

> I am a little puzzled by the question. But if the member does have some belief or allegation to make, I would be more than happy to hear it. Certainly, I am unaware of any police officer being removed from an investigation as a result of anything that I have said or done.

A very senior government source has provided me with information that indicates that that answer from the minister is untrue and that, soon after becoming minister, the Minister for Police was briefed by the Police Commissioner, and others, on a current operational investigation—which is unusual in itself. The current operational investigation was the ACB inquiry into the member for Hammond. I have been further advised that the minister expressed concern at least one police officer's being a member of that ACB inquiry into the member for Hammond. I am also advised that, soon after that meeting, that officer and one other were removed from the inquiry into the member for Hammond and replaced by other police officers. The Minister for Police has to answer the following serious questions:

1. Did he ask for a briefing from the Police Commissioner into a current operational inquiry which, as I have said, is unusual in itself?

2. Was he so briefed by the Police Commissioner and other senior police officers and, if so, on what day was that briefing conducted?

3. During that particular briefing, did he express concern about any particular officer participating in that inquiry into the member for Hammond?

4. Soon after that meeting, was that police officer, and indeed another police officer, removed from the ACB inquiry into the member for Hammond?

If this information is correct, as provided to me by a very senior government source, then clearly the Minister for Police is guilty of the very serious offence of interfering in a current police investigation for political purposes. In those circumstances, I am sure that all members would agree that the Minister for Police (Pat Conlon) would have to resign in disgrace.

LAW WEEK

The Hon. G.E. GAGO: I take this opportunity to acknowledge the important and valuable initiative of this year's Law Week which was conducted during May. This year's theme was 'Taking it to the streets'. Law Week is a national event that promotes understanding of the law, access to justice and the positive contribution of the legal profession and justice related agencies in our community.

In South Australia, Law Week is organised each year by the Justice Network. The Justice Network is a group of around 60 community organisations which foster collaboration and have joined together to promote community education, awareness and debate about law and justice issues. 'Taking it to the streets' was the national theme for this year's event, the idea for which, I am pleased to say, came from South Australia. This theme was chosen to reflect issues of current community concern. Its focus was about bringing issues of law and justice to the community, especially to those who are least likely to access the law.

This year's event was particularly successful and contained a comprehensive and stimulating program designed to provide something of interest for everybody. It was taken to the streets as a grassroots approach to try to reach where many of the legal issues and problems with the law actually start. A centrepiece of this year's program was the new initiative of 'speakers corner', which was held free of charge each afternoon in Victoria Square, to give lunchtime crowds the opportunity of listening to a range of invited speakers on different topics each day.

This was followed by the soapbox, which was open to anyone who wished to speak on the topic of the day. Topics included participation; public spaces and structures; youth—demonstrations and protest; and justice. I understand the crowds reached up to 90 on the first day of the event. An incredibly thought-provoking oration was given by the highly renowned and regarded human rights lawyer and advocate Robyn Layton QC, entitled 'The refugee steeplechase'. Free legal advice was provided to the public by a number of organisations throughout the week. These included the Women's Information Service, the Law Society, and South-East radio talkback, where local lawyers were made available on local ABC radio 5MG.

Youth parliament, held in the House of Assembly, enabled students from years 11 and 12 to present a question time and second reading debate on the topic of refugee detention. A number of free sessions occurred which involved panel discussion around the topic of homelessness and law. Issues considered, to mention a few, included dry zones, legislation affecting homeless people and squatters. A range of free seminars and hypotheticals were conducted throughout country SA involving a wide range of issues, including family and criminal law.

A program especially designed for young people was also a big part of the activities, covering topics such as mobile phones, skateboards, P-plates, road rage, drugs and individual rights. These events involved schools, the police and the courts, and they were held in both country and metropolitan South Australia. A number of events catered for older people as well, including seminars on wills and estates, and witnessing of documents. Other topics covered during the week included the environment, business, native title, sentencing, human rights, and racial tolerance. Whether we like it or not, our society has become more reliant on legislation, and it affects our day-to-day lives. It is, therefore, increasingly important that our community remains well-informed and kept up-to-date on issues of the law and its application. I congratulate all of the organisations involved in the Justice Network on the hard work in making this year's Law Week, 'Taking it to the streets', such a successful and worthwhile event. I look forward to next year's program.

DRY ZONE, VICTORIA SQUARE

The Hon. T.J. STEPHENS: I recently had the pleasure of meeting an Adelaide City councillor at a social function, where we had a chat about the trial and implementation of the dry zone in Victoria Square. Both agreed that the dry zone had, in fact, made a dramatic difference to the behaviour in all the city squares. During the course of our conversation I reminded the councillor that some three or four years ago he had come to see me at my place of business in Halifax Street, seeking my support with regard to his candidacy for the next election. I reminded him that, whilst I was very pleased with the work that the council was doing generally, I was very critical of it on the issue of drunken behaviour on the streets and the associated crime. I recall saying that the city council is, by and large, doing a good job.

I constantly receive, however, complaints from friends and associates who, while walking through the city squares, are badgered for money, accosted and threatened by drunks. I would be but one of thousands of concerned citizens who feel strongly that South Australians and visitors alike have the right to walk freely and without hindrance or harassment in the centre of a capital city. I was very heartened to see that, early last year, the Adelaide City Council and then premier Olsen responded and acted on implementing a dry zone covering all city public roads and squares, on a 12-month trial basis. There are dry areas in a number of regional cities and towns—for example, in the Glenelg foreshore area—and they work very well and have wide public support. I also feel that the dry area in Victoria Square has been successful in reclaiming the square for the enjoyment of the entire community.

A number of my interstate business associates who have stayed in some of our top hotels, such as the Hilton, had complained to me about the behaviour in the square, and I found it totally unacceptable and embarrassing that visitors to this city should have been accosted, badgered and threatened when they walked out of their hotel. To make things worse, these visitors go back to their homes interstate and overseas and talk freely of their experience in Adelaide. Over the past six months, I have noticed that the change of behaviour in Victoria Square, in particular, is nothing short of dramatic. I have also spoken at length to many business operators in the vicinity of the square, and they all agree that the situation is definitely much improved.

People feel comfortable to leave their hotel or business premises during both daylight and evening hours and they feel free to enjoy the spectacular showcase Adelaide is and to dine out in the many fine restaurants in the Gouger Street precinct. Adelaide is about enjoying the finer things in life for many people, and the centre of the city is a showcase for the rest of the state. We want our visitors and interstate business associates to go back and speak glowingly of their time in Adelaide. From a tourism perspective it has a huge positive spin-off effect. I understand from some of the big hotel operators that Adelaide is regaining its international tourism momentum and, in particular, enjoying great growth in convention tourism. I for one wish to ensure that this momentum continues. I declare my position early in the piece and say that I will do my utmost to ensure that the dry zone declaration for the city square continues.

I also refer to last Sunday's announcement by Premier Rann at the Assemblies of God church. He told the congregation that the government would be introducing tougher legislation with regard to the carrying of knives and weapons or displaying life threatening behaviour in licensed premises. Few would disagree that this is a welcome step, and I look forward to the debate on this measure. I am sure the opposition will support any sensible legislation that would make our hotels and streets safer. Undoubtedly the carrying of weapons, coupled with drunken behaviour, can make a deadly combination, and not only within hotels because, more often than not, once people have left a nightclub or drinking venue altercations can occur.

Street attacks are normally drug or alcohol related, and history shows clearly that beer bottles found lying out in the street can be broken and used as a lethal weapon. Dry zone declarations clearly result in the reduction of these potential weapons from our streets and squares. I will be interested to see whether the new government continues to be tough on disorderly behaviour in the streets and continues with the dry zone regulations the previous government helped to initiate.

CRIME PREVENTION

The Hon. IAN GILFILLAN: The Government's current 'tough on crime' agenda is quite disturbing, not just because it comes from a populist line of 'lock up the bastards' but

because it comes from no factual base and no actual desire to prevent crime. The Attorney-General, Michael Atkinson, may enjoy being the darling of talk back radio, but I would like to see some more real, researched and proactive society changing ideas on how to prevent crime without locking up people for longer. There is nothing innovative about throwing someone into prison for longer at a greater cost to the taxpayer and at a greater cost to society. Some of the proposals are as follows—and I will pick a few to comment on in this context:

· Consistent sentencing by judges. This removes the right of judges to assess individual circumstances and context.

· Ban on bikie gang headquarters in metropolitan areas. What about the people of Whyalla or Port Lincoln? They may decide to move to Kangaroo Island. What about having some consideration for rural areas?

· Increased rights of self-defence in the home. This is virtually a licence to kill. Would it not be preferable to prevent someone coming into someone's home in the first place?

· Increased penalties against the elderly and vulnerable. I hope the definition of 'vulnerable' includes young men as they are the most likely to be the victims of crime.

· Resident magistrates in major regional centres. Rotation is better because not everyone gets Sigrid Thornton from *Seachange*.

The Attorney-General is targeting his measures at those who salivate over the thought of locking away people in prison, using emotive stories of misbehaving youths, attacks on the elderly and disabled and misusing statistics to substantiate their ill-thought out measures. They certainly are not letting the facts get in the way of what I could describe as salacious law and order pronouncements.

Comparing crime statistics across the states over the years with the statistics in South Australia is a more accurate indicator than just looking at interstate comparisons, because you are not comparing apples with apples. When we look at the ABS statistics, we find that, while the rate per 100 000 people for car theft has dropped in the past year, the rate for assault and sexual assault has increased. Although car theft is bad news, offences such as assault and sexual assault have a far greater impact on society, and the fact remains that you are more likely to be assaulted than you are to have your car stolen.

I have heard nothing from the Attorney-General, the Premier or the police minister about their plans to address the assault rate in an effective and pro-active manner. However, in recent weeks the Premier, the Attorney-General and the police minister have spent many hours on radio relating stories such as the Premier having his car stolen 10 years ago from the Salisbury interchange. Chris Kourakis QC, the current President of the Law Society, said in yesterday's *Advertiser:*

> Tougher sentences for joyriders and arsonists will not necessarily act as deterrents.

Mr Kourakis also cited an established committee of the previous government on car theft that found that more than tougher sentencing would be required to reduce the incidence of car theft. He states:

> The majority of the public, if people bothered to give them the facts, would realise that relying on sentencing only is a simplistic solution.

What is going on with a government that is happy to run with a redneck rash of backward reform yet fails to ask the hard questions, do the hard yards of research and then come up with long-term workable solutions for crime in South Australia? Already our prisons are stretched to overflowing, as Chris Kourakis QC points out in yesterday's *Advertiser*. Increasing prison numbers will only add millions of dollars to the state budget that could otherwise be spent on public awareness, social inclusiveness programs, mental health and employment initiatives. These are initiatives that the government could consider to have a positive impact on reducing crime figures and on society's well being as a whole.

Amongst the Attorney-General's extensive list of bills, I have not seen one initiative about how the government is planning to keep people out of our prisons or how it is planning to reduce the level of youth unemployment—the highest in mainland Australia—so that young people have something more constructive to do than joyride in cars. Addressing the tough issues should be the initiative rather than following the populist attack of 'tough on crime'. That is truly the leadership we need from our Premier, the police minister and the Attorney-General.

Minister Conlon put out a release last week headed 'Crime A Priority for Labor'. Are we to interpret that as the ALP having a priority to commit crime, that it is obsessed with curing it, that it actually wants to prevent it or that it is getting cheap publicity on it? I point out that in today's *Advertiser* the front page story states that police prosecutors are overstretched and have a huge backlog, yet this government is intent on denying them more resources while giving them more work than they currently can keep up with. It is a fatuous approach to a problem that must be dealt with in a much more sophisticated and intelligent manner.

Time expired.

SHOP TRADING HOURS

The Hon. T.G. CAMERON: The shop trading hours issue has been a political football that has been bandied around here in South Australia by all sides of politics for many years. We have witnessed increased trading hours, albeit on an ad hoc basis, since the late 1970s. In 1977 late night trading was introduced to allow shops in the suburbs to open on Thursday nights—and in the city on Friday nights—until 9 p.m. In 1980, weekend and holiday trading for hardware and building material shops was introduced. In 1990, Saturday afternoon shopping was introduced and embraced enthusiastically by shoppers. In October 1993, the Labor government gave ministerial exemptions on applications for supermarkets wanting to open until 9 p.m. on weekdays, outraging the small retail community.

Following the election of the Liberal government in December 1993, these exemptions were revoked and a committee of inquiry was established to review the act. In 1995 the act was amended again to allow for all day Sunday trading in the city. Sunday trading was vehemently opposed by the SDA, supported by the Small Retailers Association, but yet again it was embraced by shoppers. Currently, under the state's general trading hours regulations, shops in the city centre and the Glenelg tourist precinct are able to open anywhere from midnight to 9 p.m. Monday to Friday, until 5 p.m. on Saturday and from 11 a.m. to 5 p.m. on Sunday. In metropolitan Adelaide, stores can open until 7 p.m. Monday to Friday, 9 p.m. on Thursday and until 5 p.m. on Saturday, with shops in country South Australia closing at 6 p.m.

Monday to Friday, 9 p.m. on Thursday and 5 p.m. on Saturday, and are not allowed to open at all on Sunday.

However, exemptions are granted for a variety of businesses such as smaller shops, restaurants, antique shops, cafes, pet shops, book shops, newsagencies, florists and stores in a range of major regional centres. It is a very ad hoc 'bits and pieces' scenario, to say the least. With the election of the new Rann Labor government we now have an opportunity to put to rest the shop trading hours debacle once and for all. Now that Labor is in government, and with the Shop Assistants Union being its biggest affiliate with over 20 000 members, Premier Mike Rann has a great opportunity to take us forward in view of this special relationship.

Other states have moved to modernise their shopping precincts. In New South Wales, retailers can trade 24 hours a day, midnight Sunday to midnight Saturday. Sunday trading is permitted after an application to the Department of Industrial Relations, and small shops and outlets can trade 24 hours a day, 365 days a year. Victoria, the Northern Territory and the ACT have deregulated trading hours, with all retail stores able to trade 24 hours a day, 7 days a week. Earlier this year, Queensland (under a Labor Government) also moved to deregulate trading hours. Even the Tasmanian parliament has moved recently to deregulate shop trading hours, leaving Western Australia and South Australia with strict controls over shopping hours. Once again we are lagging behind the rest of the country.

However, I note with disappointment that, according to the *Advertiser* of 22 May, the new minister has ruled out even looking at Sunday trading. What we need here is open and transparent public debate, not closed attitudes from our politicians and, in particular, the minister. Our society needs to reflect a change in social and work patterns, the increasing number of dual income households, more flexible working hours, and the increase in single-parent households. These factors are influencing the way people shop, and we have to adapt. We can no longer use the age-old arguments of the past to fit into the current context.

Working hours have changed. Lifestyles have changed. People are busier; the old 9 to 5, Monday to Friday working week is a thing of the past. A realistic and forward thinking approach may well see bipartisan support, particularly if it is taken early in the parliamentary cycle. I would also be interested to hear the views of both the Hon. Bob Such and the Hon. Peter Lewis on shop trading hours. I will be writing to them to canvass their attitudes.

Now is the time to deal with this issue, and I believe only a Labor government can put it to rest. Whatever is decided should reflect what is best for the people of South Australia, not what the politicians want, not what the unions want, and not what the big corporations or the small retailers want. It should be about what is best for the people of South Australia.

ORGAN AND TISSUE DONOR THANKSGIVING SERVICE

The Hon. J.F. STEFANI: Today I wish to speak about the annual organ and tissue donor thanksgiving service which is held each year in May. This year the service was held at Maughan Church on Sunday 26 May at 2 p.m. The thanksgiving service is a time to reflect about those special people who have given others a second chance of life with the donation of organs and tissue through transplantation. It is also time for transplant recipients and families to express thanks to the donor families who have made a life-giving decision at a time of great personal loss.

The thanksgiving service is organised by the South Australian Organ Donation Agency which is managed by Miss Karen Herbert, who has provided great service in her role. South Australia has a long history of success in organ and tissue donation and transplantation. The first successful kidney transplant took place at the Queen Elizabeth Hospital in 1965. South Australia has been a leader in organ donation for the past six years, with higher donation rates than any other Australian state and an extensive support structure for donor families. This has meant that South Australians have received nearly twice as many kidney transplants in relation to the population than the rest of Australia.

There is no waiting list for corneal transplants and a very small number are waiting for a liver transplant. This success is partly due to the dedication of many people who work in the area of organ donation and transplantation. However, the unsung heroes are the many families who, when approached about organ donation soon after their relative has died, have had the great courage and generosity to save the life of another person. Through this generosity, the donor and their families have made a new life possible.

The South Australian Organ Donation Agency has worked with great success in enlisting many donors and their families to ensure that our state is in the forefront of organ donation in Australia. The initial exposure to a critical care unit of a hospital is usually an overwhelming experience for many donor families who are faced with the difficulties of comprehending a great deal of information in a very short period of time. Unfortunately, a lot of the information that is received at this time is information that the donor families do not want to hear.

The donor families are often faced with a most difficult decision which involves a close relative when a request is made for an organ or tissue donation. Unfortunately, at this critical time, many families refuse permission to donate an organ of a dying relative, even if the relative has indicated their willingness on their driver's licence.

The clinical practice and management of organ and tissue transplantation has come a long way in Australia since it commenced in the early 1960s. Since the first kidney transplant, the practice has now expanded to include heart, lungs, liver, pancreas, heart valves, corneas, bone and skin. More than 28 000 Australians have received renewed life from transplantation. The development of anti-rejection drugs and products has enhanced the survival rates of many recipients who can look forward with confidence to many more years of useful and extended life.

As in previous years, the annual organ and tissue donor thanksgiving service was a very emotional and moving ceremony. It was an occasion when donor families shared with others the difficulties they faced when losing a loved relative and how they came to their decision about organ donation. Equally, it was also a time when recipients and their families gave thanks and paid tribute to their heroes and their families who have made a new chance in life possible.

In concluding my remarks, I pay tribute to the work and dedication of Sir Eric Neale, former governor of South Australia, who, as chairman of Australians Donate, has made a great contribution to the cause of organ donation in Australia and has been able to place organ donation on the national agenda, ensuring the establishment of the national organ and tissue registry.

CHAMBERS, Ms K.

The Hon. R.D. LAWSON: On behalf of my colleague the Hon. Diana Laidlaw, I move:

That this council congratulates Kasey Chambers on winning the Australasian Performing Right Association 2002 Music Award as Songwriter of the Year.

I am happy to support this initiative of the Hon. Diana Laidlaw, who is of course a great champion of the music industry in this country. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

MACLEOD'S DAUGHTERS

The Hon. R.D. LAWSON: On behalf of my colleague the Hon. Diana Laidlaw, I move:

That this council acknowledges the announcement by NWS Channel 9 on 4 June 2002 to invest in a third series of *MacLeod's Daughters* and recognises that this prime time television drama being filmed north of Gawler provides important continuity of employment for South Australia's highly skilled crews, additional work for our artists, plus economic and tourism benefits for the state.

I am honoured to be associated with this motion concerning the excellent program *MacLeod's Daughters*, which I am sure all members will have viewed with great interest. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

CITY OF ADELAIDE (ABOLITION OF CAPITAL CITY COMMITTEE) AMENDMENT BILL

The Hon. IAN GILFILLAN obtained leave and introduced a bill for an act to amend the City of Adelaide Act 1998. Read a first time.

The Hon. IAN GILFILLAN: I move:

That this bill be now read a second time.

In introducing the bill, I acknowledge that, as the title says, this is the City of Adelaide (Abolition of Capital City Committee) Amendment Bill 2002. We have a wonderful capital city—a city of friendly people and with a beautiful environment. We are blessed with a city that is encircled by parklands. I think that it is unique in the world. Despite talk of the size of our city, I believe that South Australians are proud to call this place their home city. The Democrats and I support the positive development of our home city as a place of environmental sustainability, social justice and economic prosperity.

This bill is not about the development of Adelaide. It is about accountability and transparency in government, and it is about the role of government. In introducing the bill, the Democrats are reaffirming our commitment to a strong local government sector and openness and honesty in government. The City of Adelaide (Abolition of Capital City Committee) Amendment Bill 2002 is simple in content and elegant in effect. Put quite simply, and as the title suggests, it will abolish the Capital City Committee. This committee has been of concern to me and the Democrats for some time. It is a closed committee of a select group from the state government and the Adelaide City Council. We opposed its introduction, and we have continued to oppose it since it was introduced.

The committee was established in 1998 under the City of Adelaide Act 1998. Part 2 of the act is dedicated to the form and functions of the committee. The membership of the committee consists of three representatives of the state government and three representatives of the Adelaide City Council. Section 7 of the act provides that the state government representatives must consist of three ministers, and one of them may be the Premier. These positions are appointed by the Premier. Representatives of the Adelaide City Council include the Lord Mayor and two other councillors chosen by the council. If the Lord Mayor chooses not to be a member of the committee, another member of the council is chosen by the council. The committee must meet at least four times a year, and administration and staffing costs are met jointly by the state government and the Adelaide City Council. The committee is chaired by the Premier or by another member appointed by the Premier.

The role of the committee is set out in the act. Subsection 10(1) of the City of Adelaide Act 1998 provides:

The Capital City Committee is established as an intergovernmental body to enhance and promote the development of the City of Adelaide as the capital city of the state. . .

The section goes on to identify some of the tasks it may undertake. In summary, these tasks are:

- to identify strategic requirements for the economic, social, physical and environmental development and growth of the City of Adelaide;
- to promote these key strategic requirements;
- to maximise opportunities for coordination of public and private resources in meeting the key strategic requirements;
- to recommend priorities for joint action by the state government and the Adelaide City Council;
- to monitor the implementation of programs;
- to publicise its work through publications; and
- to collect, analyse and disseminate information about the economic, social, physical and environmental development of the City of Adelaide.

Two other components of the act are the Capital City Forum and the Capital City Development Program. The forum is a group of people selected by the committee to advise it. The Capital City Development Program, which is currently on the internet, is a database of projects of the Adelaide City Council and state government as well as private business. These have value. However, they do not require a formal committee, and particularly not one in the form of the Capital City Committee.

One of our chief concerns is the lack of openness of the committee. It is a secretive meeting of top government members and some members of council. Section 18 of the act sets out very clearly that it is the policy of the committee to restrict access to information, and I quote from subsection (1) as follows:

The following will be taken to be exempt documents for the purposes of the Freedom of Information Act 1991 and part 5A of the Local Government Act 1934:

(a) a document that has been specifically prepared for submission to the Capital City Committee (whether or not it has been so submitted);
(b) a preliminary draft of a document referred to in paragraph (a);
(c) a document that is a copy of a part of, or contains an extract from, a document referred to in paragraph (a) or (b);
(d) an official record of the committee;
(e) a document that contains matter the disclosure of which would disclose information concerning any deliberation or decision of the committee.

I think if the charter had been to write out specifically the most secure wording to guarantee that nothing ever got out

of this committee other than nicely sanitised comments, this was the formula. It is a formula for absolute secrecy. This means that not only are documents and records of the committee not open to the public but also that they are exempt from our state's freedom of information laws.

Finally, this committee and its actions are not subject to the scrutiny of parliamentary committees. Secretive committees lead to secretive deals; and a lack of external scrutiny leads to mistakes and those mistakes being covered up. Surely our state has learnt the lessons of the past decade. In the words of one of the more admired American Presidents, Harry Truman, 'secrecy and a free democratic government do not mix'. This bill is well timed in that, under the act, the review of the Capital City Committee is due by 30 June this year. I think it is unlikely that members will wish to rush this bill through this week. We will still be discussing it after the review of the Capital City Committee has been tabled.

We encourage continuing dialogue between the government and the Adelaide City Council, and we believe that informal structures can easily and simply be put in place with as much benefit in the long run as anything that could be imposed by legislation. The reason for moving to abolish this committee has been spelt out in my previous remarks, but I must emphasise that it is a bizarre concept that one tier of government which should formally be kept at arm's length and separate from another tier of government has this sort of welded together connection of the heads of both those two groups. To say—as, no doubt, some will—that it does not have mandatory powers and that it really can be only an advisory body is naive in the extreme, because the people who are on this committee in almost every case will be the movers and shakers of both bodies.

This is a sort of secret cabinet meeting of two tiers of government coming together in an unholy alliance. If it is so strongly enthused over and recommended for the connection between the state government and the Adelaide City Council, why should not the argument be extended to other local government areas? Why should the Adelaide City Council have to be blighted with this particular infusion—and I would regard it in many cases as having a potential for intimidation by the state government with respect to its decision making processes. I believe that the Adelaide City Council, duly and democratically elected, is competent to make decisions in the best interests of the capital of this state. It does not need to have any formal structure on a regular basis of being coached, encouraged, cajoled or even bullied into making decisions by the other tier of government—the state government.

I urge honourable members to support this bill and remove from the statute book the legislative requirement to have a Capital City Committee. In concluding, I repeat that open and free dialogue is welcome at any time between any of the organisations that have been referred to in my second reading contribution, and that embraces all local government entities having discussions with members of this place or with the state government. It is a threat to democracy to put in legislation a legal requirement that there be a committee of this type, and it is long overdue that it be removed from the statute book.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

PARLIAMENTARY ENTITLEMENTS BILL

The Hon. T.G. CAMERON obtained leave and introduced a bill for an act to establish a tribunal to determine the remuneration and related entitlements payable to members of parliament, and to provide for new superannuation arrangements for members of parliament; to repeal the Parliamentary Remuneration Act 1990; to amend the Parliamentary Superannuation Act 1974; and for other purposes. Read a first time.

The Hon. T.G. CAMERON: I move:

That this bill be now read a second time.

It is my pleasure to introduce this bill to transfer control of members of parliament superannuation, salary and benefits to an independent tribunal—and I mean truly independent. This bill acknowledges that the public believes that politicians in general are no longer to be trusted to manage their own affairs. That is especially sad when we consider that we are the ones who are managing the affairs of the state on behalf of the people who elect us. It is necessary to restore confidence in the political system and to show the public that MPs are responsible and accountable to the principles of fairness, the demands of the community and their standards and expectations and to the rule of law rather than arbitrary decisions.

I will now outline the provisions of this bill. The tribunal is to consist of five members appointed by the government on the advice of the minister. One member must be a retired judge of the Supreme Court of South Australia who will be president of the tribunal. Another member must be a member of the Industrial Relations Court. On reflection, I will probably move to amend that to read 'must be a member of the Industrial Relations Court/Industrial Commission', because as some members would be aware the Industrial Commission deals more with the setting of wage rates, etc. The other three members will be those who, in the opinion of the minister, are suitable to present community interests when determining remuneration and superannuation entitlements for MPs.

At least one member of the tribunal must be a man and one member a woman, and no member of parliament or former member of parliament may serve on the tribunal. Members will be appointed for up to seven years and are eligible for reappointment. A sitting of the tribunal may be called by the president of the tribunal or by one member of parliament. A quorum shall consist of three members. The tribunal shall have the powers of a royal commission, as set out in the Royal Commission Act 1917. That act provides that a royal commission has the power to sit at any time and in any place and is not subject to the rules of evidence but master of its own destiny and, in that respect, is not subject to direction, etc. I refer honourable members to that act if they wish to know more about its full powers.

People may appear before the tribunal by counsel, by representative or in person. The minister may also personally, by representative or by counsel, introduce evidence or submissions to the tribunal. It shall have jurisdiction over basic remuneration for MPs and additional remuneration for ministers, parliamentary officers and committee members as well as the superannuation scheme. In determining basic remuneration, the tribunal must take into consideration what is fair, and community expectations. In determining electorate allowances and other allowances and expenses, the tribunal must take into consideration their parliamentary duties, their

duty to be actively involved in community affairs and their duties to their constituents in dealing with government and other public departments and agencies.

Electorate allowances may vary according to the size of the electorate, the office held by a member and other relevant factors. A person who holds more than one office as a minister of the Crown can be remunerated for only one office. Additional remuneration of presiding members and other members of a parliamentary committee may vary according to the size and nature of the committee. Before making a determination for remuneration, the tribunal must publish a notice in a prominent state newspaper inviting written representations from any person (within a period to be determined by the tribunal). It must also hold a public hearing in relation to the matter and consider any representations or submissions presented.

The act specifies the cessation of payments as at the date a person ceases to hold office (in the case of a parliamentary or ministerial office) or the date that they are replaced as a member of parliament (in the case of basic remuneration). It provides for the reporting of determinations of the tribunal by sending a report to the minister of the determination and the grounds on which it was made. The minister must then cause copies of the report to be laid before both houses of parliament. Within seven days of a determination being made it must be published in the *Gazette*.

The second major part of this bill deals with superannuation. This section will apply only to members elected at or after the 2006 election or members who opt in to the scheme. Members who are in the current pre-2006 scheme who cease to be a member of parliament after 2006 but are re-elected at a later date will also be subject to the new scheme. The bill requires a report, including a trust deed that sets out the rules for the scheme, to be prepared by 30 June 2005. The bill also sets out the process for how the tribunal must proceed with an inquiry for determining the scheme. It must, before commencing the inquiry, publish a notice in a prominent state newspaper inviting written submissions and consider those submissions.

The Hon. Nick Xenophon interjecting:

The Hon. T.G. CAMERON: The Hon. Nick Xenophon says that there may be thousands. He may be right. If there are, I suggest that it might have something to do with what people currently think about the way in which we set our salary. The tribunal may then hold a preliminary hearing. The tribunal must then cause a draft trust scheme to be prepared and distribute a copy to the Parliamentary Superannuation Board and to any person who made a representation on the issue to the tribunal, and give notice of where any other person may inspect or purchase (at a price to be determined by the tribunal) a copy of the draft trust scheme. After this process it must hold a public hearing in relation to the matter and consider any submissions made at that hearing. I think it is appropriate that the tribunal hold a public hearing, and I am quite confident that the new government, in the light of its new commitment of transparency and openness, would support that.

The tribunal must also consult with the Parliamentary Superannuation Board on the draft. The tribunal then must prepare a report on the outcome of the inquiry. This must be delivered to the Parliamentary Superannuation Board, the Treasurer, and a copy of the report to be published in the *Gazette*. The Treasurer must cause copies of the report to be laid before both houses of parliament. The bill then sets out the way in which the superannuation scheme constitution is to be created and amended. This is to be set out in the trust deed and may be amended from time to time by publishing such changes in the *Gazette*. If the trust deed is to be amended to increase the liability on the Crown, or indeed replace, then the Treasurer must be notified and given reasonable opportunity to make submissions. However, this does not apply if the tribunal is acting on request of the Treasurer, or if it is a technical amendment made to reflect the original intention of the rule.

The Parliamentary Superannuation Board will be responsible for the administration of the trust scheme, and there is provision for the board to engage the Superannuation Funds Management Corporation to assist in the administration of the trust deed. The bill also deals with the process for a person to opt in to the scheme. A person who elects to opt in to the scheme may not revoke the election; and, when they opt in, their account made under the Parliamentary Superannuation Act 1974 must be closed by the board and a new contribution account under the trust scheme established, and credit the statutory minimum to that account.

The statutory minimum is set out in the bill in a complex manner, but succinctly it is the sum of their present contributions plus the applicable state superannuation shortfall guarantees, and with interest applicable to accounts held under the Parliamentary Superannuation Act 1974. The tribunal must ensure that the employer contributions to the trust scheme must avoid any individual superannuation guarantee shortfalls. The bill also requires that at least once every three years the board obtain a report from an actuary (who is a Fellow of the Institute of Actuaries of Australia) on the state and sufficiency of the trust scheme, and deliver this report to the tribunal and the Treasurer, who must cause copies of the report to be laid before both houses of parliament.

The bill also sets out consequential and technical amendments such as exempting the trust deed and amendments from the Subordinate Legislation Act, preventing a member from automatically becoming a member of the Southern State Superannuation Scheme, and so on. It specifies that a determination of the tribunal is not subject to appeal and is binding on the Crown; that monies payable are payable by the Treasurer from the Consolidated Account; that it does not limit the Crown or parliament to provide allowances or other benefits that are additional or supplementary to the entitlements arising under this act; and it provides that regulations that are contemplated by the act are necessary or expedient for its purposes may be made.

This bill gives the tribunal the guidelines to operate both within what the community expects and the responsibility to examine what it expects and provides for full transparency and openness, as well as proper accountability. It will ask MPs to submit the fate of their entitlements, remuneration and superannuation to an independent tribunal, relying on their fairness and the community's standards and expectations as a guideline. The loss of control is a difficult thing to ask anyone to do, especially members of parliament who are used to controlling their own benefits and superannuation, but it is something we must do to restore some level of public confidence in us and the parliament. I commend the bill to the council.

The Hon. CARMEL ZOLLO secured the adjournment of the debate.

ROADS

Order of the Day, Private Business, No. 4: Hon. Carmel Zollo to move:

That the Corporation of the City of Tea Tree Gully by-law No. 2 concerning roads, made on 11 December 2001 and laid on the table of this council on 5 March 2002, be disallowed.

The Hon. CARMEL ZOLLO: I move:

That this order of the day be discharged.

Motion carried.

LOCAL GOVERNMENT LAND

Order of the Day, Private Business, No. 5: Hon. Carmel Zollo to move:

That the Corporation of the City of Tea Tree Gully by-law No. 3 concerning local government land, made on 11 December 2001 and laid on the table of this council on 5 March 2002, be disallowed.

The Hon. CARMEL ZOLLO: I move:

That this order of the day be discharged.

Motion carried.

STATUES AMENDMENT (ROAD SAFETY INITIATIVES NO. 2) BILL

Adjourned debate on second reading.

(Continued from 29 May. Page 250.)

The Hon. NICK XENOPHON: When I introduced this bill last week, I indicated that I would seek leave to conclude my remarks in order that I may table an explanation of the clauses. I now seek leave to have the explanation of clauses inserted in *Hansard* without my reading it.

Leave granted.

Explanation of clauses

Clause 1: Short title

Clause 2: Commencement

Clause 3: Interpretation

These clauses are formal.

Clause 4: Variation of rules and regulations by Act not to affect power to vary by subsequent statutory instrument

This clause provides that the variation of the *Australian Road Rules* or *Motor Vehicles Regulations 1996* by this measure does not affect the power to vary or revoke those rules or regulations by subsequent statutory instrument, but a statutory instrument that varies or revokes rule 25(2) of the Australian Road Rules or varies or revokes the items inserted in Schedule 7 of the Motor Vehicles Regulations by this measure cannot come into effect unless it has been laid before both Houses of Parliament and no motion for disallowance is moved within the time for such a motion, or every such motion has been defeated or withdrawn, or has lapsed.

PART 2

AMENDMENT OF MOTOR VEHICLES ACT 1959

Clause 5: Amendment of s. 5—Interpretation

This clause inserts a definition of 'photographic detection device' in the main interpretation provision of the principal Act.

Clause 6: Insertion of s. 82A

82A. Disqualification for certain offences involving speeding

Proposed section 82A provides that if a person expiates a relevant offence involving the driving of a vehicle at a speed of 30 kilometres per hour or more in excess of the applicable speed limit, the Registrar of Motor Vehicles must give the person a notice that the person is disqualified from holding or obtaining a driver's licence or learner's permit for the prescribed period and that any licence or permit held by the person at the commencement of the period of disqualification is cancelled.

The 'prescribed period' of disqualification is—

- in a case involving the driving of a vehicle at a speed of 30 kilometres per hour or more, but less than 40 kilometres per hour, in excess of the applicable speed limit—1 month;
- in a case involving the driving of a vehicle at a speed of 40 kilometres per hour or more, but less than 50 kilometres per hour, in excess of the applicable speed limit—4 months;
- in a case involving the driving of a vehicle at a speed of 50 kilometres per hour or more, but less than 60 kilometres per hour, in excess of the applicable speed limit—6 months;
- in a case involving the driving of a vehicle at a speed of 60 kilometres per hour or more in excess of the applicable speed limit—12 months.

A 'relevant offence' is—

- a 'speeding offence' which is defined as an offence that involves driving a vehicle at a speed in excess of the applicable speed limit; or
- an offence against section 79B(2) of the *Road Traffic Act 1961* constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in a prescribed offence that is a speeding offence.[1]

Clause 7: Amendment of s. 98B—Demerit points for offences in this State

Currently section 98B provides that if a person is convicted of or expiates two or more offences arising out of the same incident, demerit points are incurred only in respect of the offence (or one of the offences) that attracts the most demerit points.

This clause amends the section so that if a person is convicted of or expiates two or more offences arising out of the same incident and one of the offences is a red light offence and another is a speeding offence, the person incurs demerit points in respect of both those offences and the number of number of demerit points incurred for the speeding offence is twice the number prescribed by the regulations for that speeding offence.

The clause further amends the section so that if a person is convicted of or expiates an offence against section 79B(2) of the Road Traffic Act constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a red light offence and a speeding offence arising out of the same incident, the person incurs the same number of demerit points as a person who is convicted of or expiates both a red light offence and a speeding offence arising out of the same incident.

PART 3

AMENDMENT OF ROAD TRAFFIC ACT 1961

Clause 8: Amendment of s. 5—Interpretation

This clause inserts a definition of 'photographic detection device' in the principal interpretation provision of the Act. Currently the term is defined in section 79B(1).

Clause 9: Amendment of s. 79B—Provisions applying where certain offences are detected by photographic detection devices

Currently the maximum penalty for an offence against section 79B(2) constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in the commission of a prescribed offence is $1 250 (see section 164A(2) of the Act).

When the *Road Traffic (Red Light Camera Offences) Amendment Act 2000* comes into operation on 21 June 2002 the maximum penalty where the owner is a body corporate and the offence in which the vehicle appears to have been involved is a red light offence will increase to $2 000.

This clause further increases the maximum penalty where the owner is a body corporate (whatever prescribed offence is involved) to $5 000.

Currently the expiation fee fixed for an offence against section 79B(2) where the owner is a body corporate is the same as that payable by a natural person for expiation of the prescribed offence.

When the *Road Traffic (Red Light Camera Offences) Amendment Act 2000* comes into operation the expiation fee where the owner is a body corporate and the offence in which the vehicle appears to have been involved is a red light offence will increase so that it equals the sum of the amount of the expiation fee for such an alleged offence where the owner is a natural person and $300.

This clause further increases the expiation fee where the owner is a body corporate and the offence in which the vehicle appears to have been involved is an offence involving the driving of the vehicle at a speed of 30 kilometres per hour or more in excess of the applicable speed limit.

The expiation fee proposed by this measure is an amount equal to the sum of the amount of the expiation fee payable where the owner is a natural person and—

- if the prescribed offence in which the vehicle appears to have been involved is a speeding offence involving the driving of a vehicle at a speed of 60 kilometres per hour or more in excess of the applicable speed limit—$2 500;
- if the prescribed offence in which the vehicle appears to have been involved is a speeding offence involving the driving of a vehicle at a speed of 50 kilometres per hour or more, but less than 60 kilometres per hour, in excess of the applicable speed limit—$2 000;
- if the prescribed offence in which the vehicle appears to have been involved is a speeding offence involving the driving of a vehicle at a speed of 40 kilometres per hour or more, but less than 50 kilometres per hour, in excess of the applicable speed limit—$1 500;
- if the prescribed offence in which the vehicle appears to have been involved is a speeding offence involving the driving of a vehicle at a speed of 30 kilometres per hour or more, but less than 40 kilometres per hour, in excess of the applicable speed limit—$1 000.

The clause also provides for the expiation fee for an alleged offence against section 79B(2) where the vehicle appears to have been involved in a red light offence and a speeding offence arising out of the same incident to be an amount equal to the sum of the expiation fees payable for the red light offence and the speeding offence.

Currently section 79B provides that a prosecution cannot be commenced against the owner of a vehicle for an offence against subsection (2) unless the owner has been given an expiation notice in respect of the offence and been allowed the opportunity to expiate the offence.

When the *Road Traffic (Red Light Camera Offences) Amendment Act 2000* comes into operation that requirement will no longer apply where the owner is a body corporate and the offence in which the vehicle appears to have been involved is a red light offence.

This clause further amends section 79B so that a prosecution can be commenced without the need to give an expiation notice and allow the owner to expiate the offence if the owner is a body corporate, whatever the prescribed offence in which the vehicle appears to have been involved is.

It also amends the section to make it clear that there is no bar to the prosecution or expiation of more than one prescribed offence where the offences arise out of the same incident.

Clause 10: Insertion of ss. 79D and 79E

79D. Advisory committee

Proposed section 79D requires the Minister for Police to establish a committee to be known as the *Speed Cameras Advisory Committee* to advise the Commissioner of Police in relation to the use of photographic detection devices to provide evidence of speeding offences and to carry out such other functions as the Minister may assign to the Committee.

The committee will consist of 6 members appointed by the Minister, of whom—

- 1 must be a person nominated by the Minister; and
- 1 must be a person nominated by the Commissioner of Police; and
- 1 must be a person nominated by the Motor Accident Commission; and
- 1 must be a person nominated by the Director of the Road Accident Research Unit of the University of Adelaide; and
- 1 must be a person nominated by the Royal Automobile Association of South Australia Incorporated; and
- 1 must be a person nominated by the Local Government Association of South Australia.

Members of the committee will be appointed for a term of two years on such conditions as the Minister determines and will, on the expiration of a term of office, be eligible for re-appointment. The committee must hold at least one meeting in every 3 months and must treat the safety of road users as of paramount importance in the exercise of its functions.

79E. Annual review of operation of this Division

Proposed section 79E requires the Minister for Transport to review the operation of Division 7 of Part 3 of the Road Traffic Act at the end of each year and cause a report on the review to be laid before both Houses of Parliament on or before the following 31 March.

Clause 11: Insertion of s. 168A

168A. Disqualification for certain offences involving speeding

Proposed section 168A provides if a court convicts a person of a relevant offence involving the driving of a vehicle at a speed of 30 kilometres per hour or more in excess of the applicable speed limit, the court must order that the person be disqualified from holding or obtaining a driver's licence for a period not less than the prescribed period.

A disqualification prescribed by this section cannot be reduced or mitigated in any way or be substituted by any other penalty or sentence. 'Prescribed period' and 'relevant offence' have the same meanings as in proposed section 82A of the Motor Vehicles Act.

PART 4

VARIATION OF AUSTRALIAN ROAD RULES

Clause 12: Variation of rule 25—Speed-limit elsewhere

Rule 25 of the Australian Road Rules provides that the default speed limit applying to a driver for a length of road in a built-up area[2] is 60 kilometres per hour. The default speed limit applies to a driver for a length of road if a speed limit sign does not apply to that length of road and the length of road is not in a speed-limited area, school zone or shared zone.

This clause decreases the default speed-limit applying to a driver for a length of road in a built-up area to 50 kilometres per hour.

PART 5

VARIATION OF MOTOR VEHICLES REGULATIONS 1996

Clause 13: Variation of Sched. 7—Demerit Points

Currently demerit points are not incurred for an offence against section 79B(2) of the *Road Traffic Act 1961* constituted of being the owner of a vehicle that appears from evidence obtained through the operation of a photographic detection device to have been involved in a prescribed offence.

This clause varies Schedule 7 of the *Motor Vehicles Regulations 1996* to prescribe demerit points for an offence against section 79B(2) where the vehicle appears to have been involved in a red light offence or speeding offence. The clause also prescribes demerit points for an offence against rule 300(1) of the Australian Road Rules which prohibits the driver of a vehicle from using a hand-held mobile phone while the vehicle is moving or is stationary but not parked.

[1]Section 79B(1) defines 'prescribed offence' as an offence against a prescribed provision of the Road Traffic Act. The provisions of the Act prescribed for the purposes of section 79B are:

- section 46(1) of the Act (Reckless or dangerous driving);
- te provisions of Part 3 of the Australian Road Rules (Speed-limits);
- rule 59(1) of the Australian Road Rules (Proceeding through a red traffic light);
- rule 60 of the Australian Road Rules (Proceeding through a red traffic arrow);
- regulation 9A(1) and (2) of the *Road Traffic (Road Rules Ancillary and Miscellaneous Provisions) Regulations 1999* (Speed-limits applying to drive of road trains).

[2]A built-up area, in relation to a length of road, means an area in which there are buildings on land next to the road, or there is street lighting, at intervals not over 100 metres for a distance of at least 500 metres or, if the road is shorter than 500 metres, for the whole road.

The Hon. NICK XENOPHON: When I introduced this bill, one matter I did not refer to related to demerit points for using a hand-held mobile phone whilst driving. Recently, the New South Wales government has moved in that direction; that is, if you are caught driving whilst using your mobile phone, you lose three points. This is based on research—as I understand it, both in Australia and overseas, and of course the very vigorous campaign by Telstra discouraging the use of hand-held mobile phones whilst driving—that mobile phone drivers were at a high risk of a crash; and British studies show that reaction times were worse than the reaction times of drink drivers at .08.

Currently we have a position in this state where there is an on-the-spot fine. I did not believe that is adequate, given the potential risk to road safety. I also should acknowledge the role that the transport minister (Hon. Michael Wright) has played. He has been supportive of ongoing debate in relation to road safety initiatives in the context of this bill and a

number of its provisions. I commend the government for moving in a direction that clearly will lead to lives being saved, particularly in relation to the provisional licence period being extended. These are all good initiatives.

This bill contains a number of packages to bring South Australia in line with other states and also other initiatives which I believe will save lives. It will reduce the road toll. The initiatives in this bill and also the bill of the Hon. Diana Laidlaw are part of the ongoing debate in the community to ensure that the unacceptably high road toll in this state is reduced. I commend this bill to members.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

CAHILL, Mr J.

The Hon. R.K. SNEATH: I move:

That this council congratulates former Port Adelaide Football Club player and coach, John Cahill, who recently became the 23rd South Australian inducted into the Australian Football Hall of Fame.

It is a wonderful opportunity to congratulate one of South Australia's finest football legends on his induction into the Australian Football Hall of Fame. I refer to that great football player and coach, John Cahill, one of Port Adelaide's most decorated former football players who, as a coach, led the South Australian National Football League team to an astounding 10 flags from 11 grand finals.

John Cahill—or Jack, as he is commonly known—is said to have celebrated one of the happiest moments of his life when he was named among five other football legends inducted into the Hall of Fame at a gala dinner in Melbourne last month. I am sure that many South Australians were delighted, as I am, when John's entry into the Hall of Fame was announced. His name has been synonymous with Port Adelaide since he made his senior start with the SANFL Magpies some 44 years ago, and his achievements as a player and coach over five decades have been richly acknowledged by this honour.

Born in Adelaide on 27 April 1940, John Cahill's outstanding talent on the football field was recognised at an early age. His fearless determination, speed and skill earned him the 1956 McCallum Medal at the age of 16 as the South Australian National Football League's Fairest and Most Brilliant Under 17 Player. He went on to play in nine grand finals for Port Adelaide, winning four premierships and taking on the captaincy from 1967 to 1973. The State of Origin selectors also recognised his natural leadership skills and made him the state captain in 1969 and 1970.

In a seven year period, John was voted Port Adelaide's Best and Fairest Player on four occasions. He was an All Australian in 1969, and he took out the prize as the Magpies leading goal kicker in 1973. In all, John Cahill's playing career spanned three decades and included 29 State of Origin matches and 267 league games for Port Adelaide—which at the time was a club record.

As much as he was a courageous and gifted player on the ground, it was for his extraordinary talents as a coach that John Cahill was awarded a place in the Australian Football Hall of Fame—a position he shares with only three other South Australians, namely, the late Jack Oatey, Haydn Bunton Jnr and the late Fos Williams, the legendary Port Adelaide icon. Of course, talents such as John's did not go unnoticed on the other side of the border. Collingwood recruited him in 1983 to become the first SANFL-based coach to take on that role in the Victorian Football League. His time was well spent at Collingwood, raising that team from 10th to 6th on the ladder in his first year and finishing third in his second.

In 1985 John returned to South Australia and took up a coaching job at West Adelaide, leading the team to two night titles. After this, he returned to his beloved Magpies in 1988. In mid 1996, after a number of phenomenally successful years back at Port Adelaide, John Cahill again entered the history books as the first AFL coach of the Port Adelaide (Power) Football Club—a position he held for two years until his retirement in 1998. In 2001 Cahill was awarded a place on the greatest team of the greatest football club when Port Adelaide announced its most outstanding players of the passing millennium. These days, although no longer on the field, John is still involved in footy on Triple M radio as a special comments commentator. He also tends his newly established cherry orchard at Walker Flat.

I take this opportunity to congratulate John on his lifetime of sporting achievements and his tireless contribution to the game of Aussie rules. John's hard work and honesty with his players proved such a successful formula on the ground that he can only be described as one of the truly great football coaches in the history of the game.

The Hon. A.J. REDFORD: I support the motion. John Cahill's elevation to the Hall of Fame, joining such eminent people as Sam Newman, comes after a lifetime of serving his beloved Port Adelaide. Cahill is the club's fourth great in the Hall of Fame, after Fos Williams, Bob Quinn and Russell Ebert. He is the 23rd South Australian to be inducted.

The Hon. Caroline Schaefer interjecting:

The Hon. A.J. REDFORD: I do not know, but there are 23 South Australians. Not only was Cahill the inaugural coach of Port Adelaide once it entered the AFL in 1997 but his name has been synonymous with South Australia's most famous club since he made his debut as a player for the club 44 years ago. Cahill played 267 games for Port Adelaide, including seven seasons as captain, four premierships, and four best and fairest awards, but his record as a coach, upon taking over when he retired as a player in 1973, even outstripped his playing achievements.

In two stints as coach, totalling 18 seasons, which were broken by three years as coach of Collingwood in the mid 1980s, as well as a stint with West Adelaide, Cahill coached Port Adelaide to a staggering 10 premierships. Jack said the honour of his induction was the icing on the cake after 40 successful years in football. Indeed, he was one of five football greats to be inducted at a black tie dinner in Melbourne recently. His record is unrivalled. He played his first match as an 18 year old in 1958, and he went on to play 267 games for the Magpies in the SANFL. He was a left-footed wingman who played in four premierships, and he won the club's best and fairest award four times. Jack first led the club to a grand final appearance in 1976, which his side lost to Jack Oatey's Sturt—indeed, I remember watching that game; it was a magnificent game of football. It was his first and last losing grand final as a coach.

Cahill incredibly led Port Adelaide to premierships in 1977, 1979, 1980, 1981, 1988, 1989, 1990, 1992, 1994 and 1995. His tremendous ability to motivate and instil belief in his side is generally regarded as his highest quality by the players who played under him. He was also a member of the famous 1962 South Australian win against the then VFL at the MCG—a team that was littered with South Australian

stars at a time and in an era before Victorian clubs, with their significant chequebooks, persistently raided the talent that came as part of the SANFL. He was also well regarded not only at Alberton and in South Australia but also throughout the football community around the country.

I suppose some other comments I can make about John Cahill are made by John himself. One of his great statements about players and playing football was as follows:

> If you go in hard, you come out hard. I do not like hesitant players. . . The least times you handle the ball, the better off you are. . . Get the ball in long and direct to the pressure area at the top of the goal square, don't mess about on the flanks and pockets.

They are Cahill's words on a couple of basic football values. Indeed, it is an approach to the playing of the game of football that prevails in the AFL today. Another comment, which is indicative of his great faith in his players, is that he always assumed that players under his charge had talent. He said that the only thing that separated good players from great players from bad players was a state of mind. He focused on and was extraordinarily successful in dealing with his players to ensure that their attitude was such that they performed well.

Under him, they had to be strong mentally as well as physically, and he was constantly challenging them. When he received the reward, he conceded that he was very demanding and uncompromising, and indeed that had a lot to do with his success and that of the clubs for which he was responsible. He was asked to name the best players that he coached, and indeed we can always judge the success of mentors or coaches in all walks of life by the products that they produce. Just have a look at this for a series of players: Russell Ebert, Greg Phillips, Craig Bradley, Gavin Wanganeen, Bruce Abernethy, Martin Leslie, Peter Daicos, Nathan Buckley and Andrew McLeod. They are all players who were coached by John Cahill; and some of those players are still having an enormous influence on the game of football today.

He has also had decisions to make, which I would have thought to be extraordinarily difficult, particularly around finals time, as to whom to include in the team and whom not to include. In the same way that he coached and played the game, he always confronted the player eyeball to eyeball. You knew exactly where you stood. In relation to the dropping of a player he said:

> I would never do it over the phone. I have had to tell players, who I have really liked as human beings, that they have missed out on a grand final, and they have cried. I felt so bad. And yet the players I picked in their positions I have not liked them as much (as people), but I thought they would win me a grand final on the day. They were hard decisions, but I was capable of making them.

In relation to the Port Adelaide Football Club and the impact it had on him personally, John Cahill simply said: 'It was my life.'

I am joined, I am sure, by all members, whether they are Port Adelaide supporters, Port Power supporters or, indeed, the odd Crows supporters who I understand are interspersed in this place, in joining with the Hon. Bob Sneath in congratulating John, or 'Jack', Cahill, as he is widely known, on this fantastic award of being inducted into the Australian Football Hall of Fame.

The Hon. T.G. CAMERON secured the adjournment of the debate.

HOUSING TRUST

Adjourned debate on motion of Hon Nick Xenophon:

That this council requests the Statutory Authorities Review Committee to inquire into the following:

I. The policies and practices of the Housing Trust of South Australia in relation to—

(a) dealing with difficult and disruptive tenants; and

(b) protecting the rights of Housing Trust tenants and residents to the peaceful and quiet enjoyment of their homes and neighbourhoods.

II. Reforms to Housing Trust policies and practices of dealing with difficult and disruptive tenants to ensure the basic needs of neighbouring tenants and residents to the peaceful and quiet enjoyment of their homes and neighbourhoods.

(Continued from 15 May. Page 141.)

The Hon. R.K. SNEATH: I move:

Preamble

Leave out the words 'That this council requests that the Statutory Authorities Review Committee inquire into the following:' and insert 'That this Council requests that the Social Development Committee inquire to the following:'.

Paragraph I

Leave out the words 'Housing Trust of South Australia' and insert 'tribunals covered by the Residential Tenancies Act 1995.

Leave out the words 'Housing Trust' in subparagraph (b).

Paragraph II

Leave out the words 'Housing Trust'.

Speaking to that amendment, the Residential Tenancies Act picks up the provisions. If my amendment is successful, it will enable the Social Development Committee to look at private tenancies as well. The problem raised by the Hon. Nick Xenophon in respect of antisocial behaviour occurs not only in Housing Trust developments but also in privately rented residences, such as blocks of flats. Therefore, if we include tribunals covered by the Residential Tenancies Act, the Social Development Committee will be able to examine the problems associated with people who rent privately.

There is no doubt that antisocial behaviour exists, and it is not confined to Housing Trust tenants. Responding to communities which are disrupted by this behaviour requires a range of measures, some of which are outside the scope of the Statutory Authorities Review Committee. Antisocial behaviour is a whole-of-community issue that occurs across all tenures. It is a very complex problem, and the trust cannot resolve it in isolation. Cooperation and commitment across a range of government agencies and the wider community will be required if effective solutions are to be found. Sustainable solutions need to be developed to change the attitudes and assumptions of those engaged in antisocial behaviour; hence, any type of parliamentary review or investigation should consider the issues in the broadest possible context.

The underlying causes of antisocial behaviour are complex and take many forms. Evidence suggests that antisocial behaviour is a consequence of broader issues, such as social exclusion and marginalisation from economic and social activities arising from, for example, long-term unemployment, health problems, substance abuse, etc. The implementation of housing reforms in 2000, and the consequent targeting of social housing to those in greatest need, has seen a dramatic increase in the demand for Housing Trust services by people with complex or multiple needs who constantly encounter social exclusion.

In the trust's experience, difficult and disruptive tenancy complaints fall into three main categories: minor disruption, including TV and stereo noise, and one-off neighbourhood disruptions, such as parties; more frequent repeated disruption, such as unabated domestic disputes, harassment, regular bizarre and frightening behaviour and repeated disruptive

parties; and serious or extreme disruption, which is defined as situations where there is physical danger or risk to safety and health.

The number of trust tenants engaging in antisocial behaviour at any one time is relatively small, but these tenants' activities have a disproportionate affect on the quality of others' lives. While accurate data on the number of serious disputes at any one time is not currently available, a recent internal study over a two-week period on how trust housing managers spend their time indicated that approximately 200 disruptive tenancy complaints are handled around the state each week. With around 50 000 ongoing tenancies, this translates to 0.4 per cent of all tenancies. It should be noted that some of these 200 would be repeat complaints.

When dealing with neighbour disputes and antisocial behaviour, the Housing Trust works in accordance with its difficult and disruptive tenancy policy and procedures. Where the trust is aware of disputes arising, or there is ongoing conflict between tenants, or between a tenant and a member of the public, every effort is made by the trust to have that matter resolved through negotiation between the parties.

In more serious cases of continuing conflict or dispute, consideration can be given to transferring tenants to other accommodation as an alternative to eviction. There is a general presumption that it is not appropriate to deal with problems of anti-social behaviour by moving the perpetrator. However, this strategy can defuse the immediate tensions and give all concerned a fresh start. The trust recognises that a transfer may not always be successful. Hence, where further disruption of a serious or extreme nature subsequently occurs, eviction proceedings may then be made by the trust. The trust is subject to the jurisdiction of the Residential Tenancies Act 1995. The trust considers eviction as a last resort and will generally raise an action for eviction only where all other attempts to resolve tenancy disputes have failed.

In 2000-01, 17 actions for evictions for difficult and disruptive behaviour were raised by the trust. All 17 were approved by the RTT for eviction. The trust does not necessarily wish to promote an increase in the use of eviction to tackle antisocial behaviour. The trust recognises the effective use of procedures and preventative action can and does stop antisocial behaviour. However, the trust is aware of the stress imposed on neighbourhoods by serious or persistent antisocial behaviour. In these circumstances and where perpetrators refuse to change their behaviour eviction may be the most appropriate response.

I am advised that, whilst the trust uses eviction as a last resort under section 90 of the act, an interested person may make application for termination of a tenancy direct to the tribunal. Eviction proceedings initiated by tenants or private individuals have averaged around 25 per annum. However, this year this number has shown an increase with approximately 50 cases having been taken to the tribunal. As one response to the issue arising from housing more complex-needs tenants, especially with regard to disruptive and antisocial behaviour, the trust has been developing a range of prevention and early intervention demonstrations, projects and strategies to address the issues. Through these projects the trust, in conjunction with a range of other agencies, has been working intensely with high risk tenancies to address antisocial behaviour. These intensive management models have had a dramatic effect on reducing some of the major issues regarding difficult and disruptive behaviour.

The trust is currently undertaking an internal review of the disruptive tenants policies and procedures. A review steering group, which includes tenant representation, has been formed to develop strategies and recommendations to address both these tenancies at risk and issues impacting on neighbours affected by antisocial behaviour. There are a number of measures the trust has put in place to combat this ongoing problem for the trust and also for those in the private sector. Antisocial behaviour is a complex whole of community issue that will continue to require a range of partnerships and responses from across government and non-government agencies.

The trust is undertaking an internal review, which is considering some strategies to increase its ability to prevent and minimise neighbourhood disruptions, to encourage and enforce good behaviour and to reduce barriers to successful eviction actions through the Residential Tenancies Tribunal. These strategies may require legislative change and cooperation across government departments.

The proposal by the Hon. Nick Xenophon MLC to refer this issue to the Statutory Authorities Review Committee is not appropriate as it narrows the focus of what is a whole of community issue to public housing tenants, the vast majority of whom do not disturb the peace or privacy of their neighbours. The alternative is to ask the Social Development Committee to consider how best to protect and respond to communities that are disrupted by antisocial behaviour and disputes between neighbours. This would encourage a whole of government response to the issues and as such is more likely to result in successful inclusion outcomes rather than stigmatising public housing tenants. It is important to look after all tenants. Therefore, I ask members to support my amendment.

The Hon. CAROLINE SCHAEFER secured the adjournment of the debate.

DAIRY INDUSTRY

Adjourned debate on motion of Hon. I. Gilfillan:

I. That, in the opinion of this council, a joint committee be appointed to inquire into and report on the impact of dairy deregulation on the industry in South Australia and in so doing, consider—

(a) Was deregulation managed in a fair and equitable manner?

(b) What has been the impact of deregulation on the industry in South Australia?

(c) What is the future prognosis for the deregulated industry?

(d) Other relevant matters.

II. That, in the event of a joint committee being appointed, the Legislative Council be represented thereon by three members, of whom two shall form a quorum of council members necessary to be present at all sittings of the committee.

III. That this council permits the joint committee to authorise the disclosure or publication, as it thinks fit, of any evidence or documents presented to the committee prior to such evidence being reported to the council.

IV. That a message be sent to the House of Assembly transmitting the foregoing resolution and requesting its concurrence thereto.

(Continued from 30 May. Page 270.)

The Hon. CAROLINE SCHAEFER: I move:

After paragraph (c) insert paragraph (ca) as follows:

(ca) A significant number of opportunities available to the dairy industry as a result of modern techniques, value adding and marketing, including those in the proposed industry plan.

When the Hon. Ian Gilfillan originally moved for a select committee to investigate deregulation of the dairy industry, I opposed it on the grounds that the deregulation of the dairy industry was a fait accompli, having been instigated in July

2000. Even by last year I believed that by setting up a select committee to look at something that had already happened we were wrongly raising the expectations and hopes of those people who had been disadvantaged by dairy deregulation. At the time I pointed out that those people received a very generous package: for every litre of milk purchased in Australia, 11¢ goes towards a restructuring package. As such, I recognise that there are always winners and losers in any deregulation.

As I pointed out at the time, I have personal experience of a number of people who, because of economics, were forced out of grain farming during the 1980s. The citrus industry, to my knowledge, has never received a restructuring package, nor did the pork industry when Canadian pork was imported, nor did the poultry industry, and so on. I believe what we were doing was falsely raising the hopes of those who, unfortunately, were forced out of the industry.

Having said that, I recognise that the select committee did meet and take evidence for some 12 months, and I understand that, when you have taken evidence and people have had their expectations raised, it is probably only fair that that evidence be tabled and reported on. In his speech on 8 May reinstating this committee, the Hon. Ian Gilfillan said:

> The deregulation of the dairy industry is now a fait accompli. It is an accepted fact, and we cannot wind back that particular clock.

He talked about the Senate report which, when I spoke some 12 months ago, I said was under way, and did we need to rubber stamp it or do another one in this state? However, we went ahead with it. That Senate report has been brought down. Mr Gilfillan goes on to say that the dairy industry:

- had export earnings of $2 billion in 1998-99;
- supplies 12 per cent of world dairy trade (third largest dairy trader after the European Union and New Zealand);
- is Australia's third largest rural industry. . . ;
- is the largest rural industry valued at the wholesale level ($7 billion);
- had efficient milk production costs by world standards;
- exports over 50 per cent of total milk production;
- produces 10 billion litres of milk—a 55 per cent increase since 1986. . .

I understand that that has gone up considerably since then. He goes on to say that there has been a reduction of dairy farmers by 30 per cent since 1985, and I think if you looked at the trends in rural Australia that would probably be similar to every primary industry, whether we like it or not. Whether it is the trend we would like to see, it is the trend that businesses and farming areas get larger and larger in order to remain viable. Unless our 15 million taxpayers are prepared to pay very high taxes, Australia must always put itself in the position of being an unsubsidised exporter. Fortunately, our primary producers do that particularly efficiently and manage not only to survive but, in many cases, to be innovative enough to thrive. Mr Gilfillan goes on to say:

> One must say that this was a vibrant industry by any standard, and it begs the question: why did we need to deregulate it?

The reason we needed to deregulate it in South Australia was that a poll was taken amongst Victorian dairy farmers, who are by far the largest number of dairy farmers in Australia and therefore who essentially control the market, and some 80 per cent of those voted for deregulation. There was therefore really no choice for South Australian, New South Wales or Queensland dairy farmers.

As often happens, there was great human tragedy at the time, and I received some very heart-wrenching letters at that time. I would hate anyone to think that I did not have an understanding or sympathy for those people. The reality is that there was no choice. Those who have been fortunate enough to remain in the industry I believe have used the traditional Australian innovation to become extremely efficient dairy farmers on the world scene.

I was fortunate enough yesterday to attend briefly the dairy industry conference, and I was very impressed by the speakers at that conference. I was there for only part of the day, but a speaker on productivity acknowledged that efficiency gains would have to continue to be made, and many of them would be made by methods that we have not even begun to think about.

They acknowledged that most of them have auto ID on their cattle. That is, their cattle are eartagged and identified by computer readout as they enter and leave the dairy. I have been fortunate enough to go to one of those dairies. Each individual cow has an automatic computer readout which measures its ration for the day, assesses its milk quantity and quality, decides whether the cow needs to be turned out or continued to be milked, and whether the ration needs to be altered, all automatically.

They talked also about robotics, and the fact that the development of robotics in the dairy industry will at some time in the future mean that there will be one or two people operating a dairy. They already have satellite monitoring systems for their pasture. They talk about right milk, not more milk, and about future foods which will equal purpose-built dairy foods. They are already using bioscience to develop the types of feed systems that they need.

This particular speaker talked about milk as not being any more just what you put on your cereal in the morning but being considered as a top shelf cocktail and, because of bioscience, certain types of milk will be able to be used to prevent tooth decay, to lower blood pressure, to heal wounds and gut ulcers—that technology is well advanced—to prevent heart disease, blood clotting and to act against salmonella. As this speaker said, none of this will be able to be achieved by individual dairy farmers. It will be an expensive process and will need partnerships, alliances and collaboration along the supply chain.

There has already been a national land and water use audit, and the person speaking on that talked about fewer dairy farmers with more productivity and more profit, using fertiliser efficiency, using effluent management more efficiently and managing their waterways and riparian strips. I was most impressed with the advances and the modern technology that these people spoke of, with such enthusiasm for their industry. They are generally quite a young group of people who have grasped the technology, and who have used what could have been and I am sure was a difficult circumstance to move forward and turn it into an opportunity.

An article in the *Borderwatch* of 3 May under the headline, 'Mount Gambier to be the state's dairy capital' stated, in part:

> Mount Gambier is set to become the state's dairy capital under a 10-year plan to be launched by Premier Mike Rann and the South Australian Dairy Farmers Association.

I understand that that plan is to be launched on 2 July and was pre-empted yesterday at the conference. Prior to my being there, a speaker at the conference explained that blueprint for dairying. The article continues:

> The plan, to be launched on 2 July, is a blueprint for dairying to double in size throughout the district and to be economically and environmentally sustainable.

My understanding is that this plan is based on the wine plan which was developed a number of years ago and has seen such expansion and, in the main, success for wine exporting in South Australia and on the Food for the Future plan. So, the basis again is on that development of the chain of supply of allegiances and combining between the dairy farmers, their processors and the finished product, with an emphasis on value-adding and niche marketing into boutique industries, an export industry that will be at the top of the market.

As Australians, we know that we will probably never be able to compete on the subsidised market for bulk commodity product—whether that be grains, grapes or any of those things. We must look to our superior efficiency and the ability to develop, as I said, into niche, top end markets. I believe that we have great opportunities in Asia, in particular, as the Asian people begin to develop a tolerance and an acceptance of dairy products—in particular, they have developed a liking for ice-cream. I recently spoke to the manager of the Golden North factory (which, you would know, Mr President, has just received a grant of over $600 000, I think it is, as part of the dairy restructure package to improve and develop Golden North Manufacturing at Laura), and he told me that the company already has developed significant markets into Singapore.

We can look at this whole deregulation process as either the glass being half full or the glass being half empty. I believe that we must look forward. Deregulation has happened and, fortunately, those who have survived it appear to me to have grasped the nettle and are doing particularly well. It appears that, because of our lower costs, a number of New Zealand developers and manufacturers are interested in expanding into the South-East of South Australia. Certainly, there are opportunities for setting up a superior cheese factory in that region, and I know that there is also significant interest in the Mount Compass-Murray Bridge area.

I do not oppose this select committee. As I said, I have some sympathy. I had the dubious pleasure, I suppose, of sitting on the Marineland select committee for about the last two or three meetings after the Hon. Bob Ritson retired. It was, I am sure, very frustrating for those people who were members of that committee for years and years not to be able to publish a report. On those grounds, I am prepared to support the reinstatement of the select committee. However, I would urge members of that committee to look forwards, not backwards, and to bring back to the parliament a report that informs us of some of the significant opportunities that are out there for the dairy industry, and not just the unfortunate instances.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I indicate that the government will support the amendment to the motion. In opposition we supported the setting up of the select committee. As others have stated, the committee took evidence and almost reached the position of being able to report but ran out of time because of the election. I believe that the reinstatement under the motion will be an indication to those people who were impacted upon by the process of deregulation. The way in which it was carried out, I think, was more on the minds of those people whose evidence we heard rather than the outcomes and where we go in the future. I congratulate the Hon. Caroline Schaefer for her grasp of the techno serviced, environmentally and economically sustainable industry of the future. However, unfortunately, we do have to look at the human impact of change, and this is but another industry that has been affected by international competition, national competition policy and international investment. As legislators and members of communities, we have to keep our mind on the impact of change on people. The tragedy of the commonwealth's program and its impact on the state in relation to Victoria being the first cab off the rank was that everyone knew that, if Victoria fell to the deregulation process and opened up its markets, all other states would eventually have to follow. The deregulation process appeared to be carried out in a way that was predicated on that issue.

The people who were impacted upon in South Australia were mainly those who did not have the investment strategies worked out and were not looking at aggregating their herd sizes but who were trapped into low investment, small herd size returns. They were the people who were going to be hit the hardest, and that is the way it fell. There was also a trend, or a movement away from hills managed farms. For environmental reasons, a lot of investment was shifting into the South-East. Because it now has its water supply programming under a management regime, land management, water management and herd size management could be integrated into a sustainable development package. Whether or not that is continuing is for others to judge. But, certainly, those people who fell victim to the changes required us, as legislators, to look at the process by which consultation was carried out and the impact of strategy developments for targeted separation packages with respect to the industry.

As with all other industries that have received commonwealth or state assistance (it has been mostly commonwealth; the states cannot afford to restructure industries of the size and nature of the dairy industry—or too many other industries, for that matter), it was a good exercise, in the collection of the evidence, to hear about communications, in particular, how people were dealt with by bureaucrats in the restructuring process—and I will not say they were unfeeling bureaucrats, because I think they tried, using the methods that they knew best, to get an end process out of tight time frames that perhaps were not of their making. But, in the ensuing period, some people were impacted upon by what they felt was an unfeeling or bureaucratic structure that did not allow them the time and ability to state their case in a fair and adequate way.

The committee was never able to come away with recommendations in relation to a whole range of evidence put forward to it. I hope that the new committee can do so. The amendment certainly encourages a forward assessment for the industry, and it does have a look at the opportunities that will present themselves: it is a snapshot. As the Hon. Caroline Schaefer mentioned, new players with further investment are now coming into the system from New Zealand and there are new opportunities to be grasped. But the integration of the industry, the market capture, the retail relationship between wholesale farm gate price product and the possibility of monopoly control are the sorts of issues that need to be looked at if there is to be a new examination. There are a lot of challenges to see whether consumers and producers have a fair and equitable relationship so that their investment returns are adequate, and that the supply and price of not only milk but also new milk products is such that those products hit the supermarket shelves in a way that people can afford them. In that way, I believe that the amendment probably has a little bit of value adding, if you like, to the original motion.

I believe that there needs to be an examination of the circumstances that led to the dissatisfaction of people within the industry. I do not think that there would be any intention

to go victim hunting or to scapegoat any part of the industry, but in the reconstruction of any industry that impacts on people we learn something from it. So, we can say to the commonwealth that this was done really badly and, if there is restructuring of primary industries or secondary industry, hopefully lessons will be learnt and the impact on people in communities can be measured so that we can apply fair and reasonable targets for outcomes in relation to how we deal with communities and how we can paint pictures for future programming. In this way, if people feel that they are being disadvantaged, perhaps not in the short-term but in the long-term, it may be of benefit for communities. All those things have to be taken into consideration. The health of dairy herds and husbandry practices will, I think, be inbuilt in some of the evidence that we take, so I hope that the committee looks at those sorts of issues as well.

The Hon. IAN GILFILLAN: I indicate my support for the amendment, and I thank the Hon. Caroline Schaefer for initiating it. It is a mild change of wording to embrace what may come as suggestions from the proposed industry plan as well as giving the committee the scope to look at modern techniques, value adding and marketing. It will be in addition to what may be included in the proposed industry plan. With that understanding, the amendment is a substantial improvement on the perspective of the committee.

The Hon. T.G. Roberts: It will keep you out of mischief for years.

The Hon. IAN GILFILLAN: Well, I'm not sure that the previous committee kept me out of mischief, so I wouldn't hold any particular hope for the revived one. It is gratifying to predict that this motion will succeed. I do not intend to speak at length except to thank members for their support—even if that support was given somewhat grudgingly by the minister for agriculture-in-waiting (somewhat impatiently). The honourable member made a valuable contribution on a broad perspective and is probably grateful to have had the opportunity to make her speech. So, if for no other reason, the motion was worthwhile.

It is important that we are not just restricted to the blinkered view down the track. We have to look behind and give a full hearing to those who felt they were aggrieved—and I believe that will take place—but it is also important to recognise that deregulation contains profound pitfalls and it needs to be carefully analysed before it is taken on board holus-bolus. Members may remember that, in an earlier contribution, I cited the example of the American situation where comparisons had been made with the general prosperity of a community in which family units had been retained compared with corporate and mega-agricultural enterprises. The statistics showed a significant improvement in the general social and economic well-being of the community with smaller units.

I have had conversations with some members of the South Australian Dairy Association, and there are mixed feelings about the survivability of smaller units. Certainly, what was regarded as a viable unit of 100 cows will no longer be regarded as viable—if it is even now—and that number will go up. However, there is confidence that a unit which can be managed by a family will remain viable and will, in fact, be profitable. It is understood that to improve the quality of life there may need to be some inbuilt structures to make available relief so that the rather tortuous existence of a family locked into the milking regime can be relieved and their quality of life improved as a result of such developments; that is, if they have time to survive, because the millions of dollars that will be pouring in from New Zealand (and are now)—not only from New Zealand but from investors in capital cities who are looking for profitable investments rather than being particularly devoted to dairying—create the mega-dairies and, as was indicated previously by the Hon. Terry Roberts—

The Hon. T.G. Roberts: Doctors, dentists and lawyers.

The Hon. IAN GILFILLAN: —I will not acknowledge that interjection—the husbandry and general standard of the operation of the mega-enterprises could be suspect in comparison with the more dedicated care from a family sized unit. However, I do not intend to continue to analyse that as I wind up this debate. That may be the subject of—

The Hon. Caroline Schaefer interjecting:

The Hon. IAN GILFILLAN: What? At the same time?

The Hon. Caroline Schaefer interjecting:

The Hon. IAN GILFILLAN: At the same time. That's outstanding. I don't know whether *Hansard* heard that, but I hope they did. I was very impressed with the input for the dairy industry at a breakfast meeting of Rural Media on Tuesday 4 June by Mr Sandy Murdoch, who is the Managing Director of the Australian Dairy Corporation and AustDairy Limited. He is an enthusiast of deregulation but he had some distinctly cautionary observations to make. The rising value of the dollar and the risks to the dairy industry of having difficult competition for a substantial export income could mean that it could be in for some quite difficult times, and the whole industry will have to be on its toes.

I think it was this morning that I heard that there had been a big investment in a treatment plant at Jervois to treat hundreds of tonnes of whey in a powdered form for a Chinese market. So, the industry is exciting and the prospects are wide—probably limitless—for good marketing. I would like to feel that the committee can help in some way by offering to parliament and the public at large, a report which deals, at least in part, with some previous grievances, some analyses of what might have been pitfalls in the implementation of the deregulation, and of course, as has been indicated by the Hon. Caroline Schaefer, what we can prospectively look towards in order to analyse where prosperity can be ensured and enhanced for a very important industry in South Australia.

Amendment carried; motion as amended carried.

PORTFOLIO BUDGETING

The Hon. DIANA LAIDLAW: I seek leave to make a personal explanation on the subject of portfolio budgeting.

Leave granted.

The Hon. DIANA LAIDLAW: Today, during question time in the House of Assembly, both the Treasurer, Mr Foley, and the Minister for Transport, Mr Wright, accused me of many things, including financial mismanagement and contributing to budget deficits. Both of those accusations in terms of portfolio budgeting are false and misleading, and the record needs to be put straight. Portfolio budgeting was a practice approved by cabinet and Treasury to enable ministers to manage their budgets across their portfolio. On no occasion when I sought to manage funding pressures in the portfolio did I do so without the express approval of Treasury. I would be very interested to hear if this government has abandoned the practice of portfolio budgeting, but that is an issue for another day.

The PRESIDENT: Order! The honourable member cannot debate the issue.

The Hon. DIANA LAIDLAW: Sorry, I was distracted. From time to time, funding issues in areas of high risk management such as the Adelaide Festival of Arts and the Adelaide Festival Centre were managed by the authority provided to me through cabinet and Treasury, and those issues were managed in that manner rather than seeking extra taxpayer funds from other important areas of government responsibility such as health and education. The other alternative would have been to let the Adelaide Festival become bankrupt or to let the Festival Centre close. I was possibly in a no-win position whichever way I managed issues that were difficult in terms of funding pressures, but I do highlight that it is ironic to read the statement and the accusations made by Mr Foley today because he speaks with a forked tongue and short memory. As shadow treasurer just one year ago—

The PRESIDENT: Order! In a personal explanation the Hon. Ms Laidlaw cannot make comment and cannot introduce new issues.

The Hon. DIANA LAIDLAW: I will stick to the facts.

The PRESIDENT: As long as the honourable member is not debating the facts.

The Hon. DIANA LAIDLAW: Last year, as shadow treasurer Mr Foley insisted in questions before the Economic and Finance Committee that the Adelaide Festival Centre funding pressures be met within the portfolio and not as an extra cost to taxpayers. I was able to confirm to that committee that what he sought I would deliver, and I did. The same undertakings were also sought in this place by the then shadow minister for the arts (Hon. Carolyn Pickles), and all ministers present today would recall the Hon. Carolyn Pickles' questions about the Adelaide Festival and the festival trust, and her insistence that the issues be managed within the portfolio and not as extra expenses from health, education, or across government generally. I also advise, Mr President—and again this is factual—that based—

The PRESIDENT: It could still be a debating point. I think the honourable member has made the point very clearly that she has acted honourably and in line with guidelines. I think that the honourable member should wind-up.

The Hon. DIANA LAIDLAW: In winding up, I point out that, based on advice provided to me, any funding transferred from transport agencies was only ever used for arts purposes when it was identified by the agency that it would underspend its allocation: for example, Transport SA due to wet weather delaying roadworks, or the Passenger Transport Board and a lower than anticipated take-up of concession payments. In all such instances this under expenditure would simply have had to be returned to Treasury at the end of the financial year, and therefore it is wrong to say what Mr Wright accused me of today when he professed that he would never raid the transport portfolio for other purposes. The fact is that the money, if not managed across the portfolio, would have gone back to transport for general purposes.

The PRESIDENT: Order! The Hon. Ms Laidlaw is experienced enough to know that she has overstepped the mark.

PASSENGER TRANSPORT BOARD

Adjourned debate on motion of Hon. Diana Laidlaw:

That the council requests the Statutory Authorities Review Committee to undertake an immediate inquiry into the efficiency and effectiveness of the Passenger Transport Board in performing its objects under the Passenger Transport Act 1994, and in relation to the integration of infrastructure and service delivery across the metropolitan area and in regional and rural areas of the state.

(Continued from 8 May. Page 44.)

The Hon. R.K. SNEATH: I oppose this motion. I was interested to read in *Hansard* comments made by the Hon. John Hill in the other place: first, when he said, 'Do not say things in confidence to the Hon. Di Laidlaw because she will repeat them in this house'; and, secondly, when he said, 'People other than friends of the Hon. Diana Laidlaw can now be expected to be appointed to boards.' I wonder whether this would have some bearing on the fact that the Hon. Di Laidlaw is determined to keep this board intact.

The government is committed to introducing a comprehensive and integrated transport plan within 12 months of being in office—

The Hon. Diana Laidlaw interjecting:

The PRESIDENT: Order!

The Hon. R.K. SNEATH: Given that the previous Liberal government made a pre-election commitment to introduce such a plan but failed to deliver, this will be the first time that South Australia will have a plan covering all modes and all regions of the state, and that addresses social policy as well as economic objectives. That is not to say that this government is starting with a clean slate on transport issues. For example, we are determined to address the appalling state of our road safety performance. Ten years ago our rate of fatalities per 100 000 people was in line with the national average. Today it is 10 per cent worse, and we have slipped to the sixth worse state and territory for road safety. Fifteen South Australians could be alive today if we had maintained the national average.

Our road safety laws are slacker than virtually any other jurisdiction. We do not have a black spot program but we do have survey data showing that a higher proportion of people in this state think they can get away with drink driving and not wearing seat belts. Our transport plan will address this ramshackle state of affairs. It will also address other areas neglected by the Liberal government, such as social equity, the specific needs of Adelaide's northern and southern suburbs, and environmental factors such as greenhouse gas emissions. To deliver on our transport plan, we also need to address the fragmentation of transport policy.

The most obvious fragmentation is that applied by the Passenger Transport Act. The act gives the board statutory independence, which makes integration of public transport into overall transport policy 'optional' and not obligatory. The underlying policy objective of the proposed integration of the Office of Public Transport is recognition that the distribution of limited financial resources across transport as a whole must be guided by the need to maximise economic efficiency, equity and environmental impacts. The currently fragmented distribution of limited resources between public transport and road transport invariably results in financial allocations which are unresponsive to changing policy imperatives and adverse to overall planning strategies.

The need is particularly acute in public transport investment planning and management. At present, this is fragmented into three parts. Transport SA is responsible for around $16 million per year of bus acquisition and asset maintenance, while TransAdelaide is left to determine programs for rail and tram investment and maintenance of around $9 million per year, and the Passenger Transport Board has a capital

works budget for minor works of around $5 million per year. Responsibility for developing and prioritising major programs is effectively unallocated but has been progressed within the broader Department of Transport and Urban Planning.

The reality remains that coordination and prioritised planning can succeed only with the will of each of the three government agencies with each legally free to determine its own strategy within a loose arrangement allowing only limited ministerial intervention. Little wonder the Liberal government could not deliver on its election promise for a comprehensive transport plan. The removal of the Passenger Transport Board's legal independence creates the opportunity to achieve a more coordinated and improved investment strategy that facilitates better planning. Just as it did with road safety regulation, the Liberal Party has put transport planning in a time warp by persisting with the fragmentation policy.

Fragmentation buys lots of options with no clear end, while integration buys a shared approach to investment, maintenance and planning, and enhanced communication within the sector. The previous minister opposes the incorporation of public transport into the Department of Transport and Urban Planning. She wants to continue with the notion that decisions on public transport are best made in splendid isolation from any consideration of where roads are going, where people are travelling and where some people suffer particular disadvantage.

The current structure of public transport administration encourages decisions to be made independent of road transport or land use planning decisions. South Australians deserve better for their $160 million contribution per year to public transport. The previous minister latches on to the case of Western Australia to justify her government's fragmentation of the public transport system. The government of Western Australia is currently undergoing a significant restructure in order to fulfil the ALP policy commitment to reduce the number of government departments, not to remedy issues relating to the provision of public transport.

The new structure for transport is directly the opposite of what the honourable member says. It will amalgamate the Department of Transport with the former ministry for planning authority to form the Department of Planning and Infrastructure. In the public transport area, the department—not a statutory authority—will be responsible for policy and regulatory and licensing functions. The statutory authority, to which the previous minister refers, is effectively equivalent to TransAdelaide with the addition of the PTB's contract administration and marketing functions. As I said, the key policy decisions will be in the department, while Western Australia's transport authorities will focus on service delivery. This will be limited to providing services directly through in-house operations, such as urban rail, as well as managing contracted service providers, that is, the buses.

The new authority in Western Australia will not have the PTB's policy and regulatory functions, nor will it have a board. I am advised that at this stage the intention is to have it headed by a commissioner, who will report directly to the Minister for Planning and Infrastructure. The office of public transport will be integrated into the Department of Transport and Urban Planning, enabling this government to capitalise on opportunities to develop effective relationships between transport planners and urban planners.

The Hon. Diana Laidlaw interjecting:

The Hon. R.K. SNEATH: This will stimulate the creation of transit orientated developments, making public transport an important hub of the community. This will also help with important environmental, urban regeneration and social justice and inclusion initiatives. In terms of the honourable member's reference to the PTB's performance, this government can assure her that the contracts with private operators will be subjected to the same close scrutiny that this government is committed to applying to all privatisation contracts. This government will be reporting back to the parliament on that specific review.

In the meantime, we reject the honourable member's attempt to keep South Australia as a backwater in transport planning, and we look forward to advising of Labor's transport plan. We look forward to demonstrating that it is possible to plan and to document those plans, unlike the previous Liberal government that was very good at ad hoc ideas but not good at delivering one transport plan because it failed to do so. We oppose it.

The Hon. CAROLINE SCHAEFER: It is very obvious to us all that the Hon. Bob Sneath did not write that speech. I must say that I am pleased that he did not write it, because I think the Hon. Bob Sneath is basically a decent person who, had he read that speech in advance of standing up in this place, would not have launched such a personal and vicious attack on the former minister for transport.

The Hon. R.K. Sneath: You didn't feel sorry for me when Legh Davis had a go!

The Hon. CAROLINE SCHAEFER: He did write his own speeches. I must say, also, that it is the first time I remember the chair of a standing committee opposing a reference that has been put to that committee. We all know that standing committees can only make recommendations and can only inquire—

Members interjecting:

The PRESIDENT: Order! There is too much excitement; I cannot stand too much of that.

The Hon. CAROLINE SCHAEFER: The Hon. Mr Sneath clearly has not—

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order, the Leader of the Opposition!

The Hon. CAROLINE SCHAEFER: —done his homework. Amongst other things, he said that we have no black spot program. I was the minister's representative on the black spot committee which allocated in the vicinity of $3.5 million to $5 million a year. Unless that has been scrapped since the new government was elected, we did have a black spot program which worked very well in regional South Australia. The honourable member also talks about no government planning and no plan for the areas of most need. I have a sister who lives in the southern suburbs and she continually tells me how successful the feeder bus program has been.

The Hon. R.K. Sneath interjecting:

The Hon. CAROLINE SCHAEFER: A biased opinion from the southern suburbs? Let us ask the Minister for the Southern Suburbs. Whether or not the Public Transport Board has done its job is really only part of this argument. What we are really talking about now is the right of any member to put forward a reference to a standing committee so it can have an unbiased look at that particular reference. I have not been here forever, but I do not remember our ever refusing in this place to take up a reference and to look at it in an unbiased fashion. I am very disappointed that this is the new government's attitude.

The Hon. Diana Laidlaw: It's hardly open government.

The Hon. CAROLINE SCHAEFER: This new open, transparent government will only look at things which pleases it.

Members interjecting:

The PRESIDENT: Order! Members on my right.

The Hon. CAROLINE SCHAEFER: I oppose the amendment.

The Hon. SANDRA KANCK: Shortly after I was elected at the end of 1993, on behalf of the Democrats I took on the portfolio of transport, and I was faced with a major rewrite of the existing act. That was a very interesting exercise to be plunged into as one of the very first pieces of legislation with which I had to deal. What was interesting in that process, however, was dealing with the person who had previously been the transport minister in a Labor government and who had then become the shadow minister for transport, Barbara Wiese. She told me in discussions that we had that there was no way that the Labor Party in opposition could vote against the legislation that the Hon. Diana Laidlaw was proposing because it had been a clearly delineated policy at the election. Not only had it been clearly delineated but also the Hon. Diana Laidlaw, as the shadow minister, had a draft bill. That is how well prepared it was.

There was really a good argument at that time for a mandate. At the time I attempted to do what I could to amend the bill to something more along my lines of satisfaction. Ultimately, the State Transport Authority became the Passenger Transport Board. It might be a case of: what's in a name? Unlike the preparation that the Hon. Diana Laidlaw put into developing her party's policy in 1993, the Labor Party in the election earlier this year had a very minimalist transport policy; and it certainly did not advance any policy that it intended to disband the Passenger Transport Board. From that perspective, I do not believe that this new government has any mandate to do that.

Nevertheless, given that it has announced its intention to do so, I think it is important that a thorough investigation be made of the role of the Passenger Transport Board and whether it is fulfilling that role. I have an open mind on that, but I believe that we certainly do need to investigate it. I think it is logical under these circumstances to support the motion as the Hon. Diana Laidlaw has moved it in this parliament, and the Democrats will be supporting it.

The Hon. DIANA LAIDLAW: The Hon. Mr Xenophon has been called away to a meeting and he has asked me to indicate in summing up his support for this motion. I have also spoken to Mr Andrew Evans and he has indicated his support, which I appreciate. So it is interesting that it is only the Labor Party that is resisting this motion to have an inquiry into the efficiency and effectiveness of the Passenger Transport Board.

The Hon. R.K. Sneath interjecting:

The Hon. DIANA LAIDLAW: There is no mandate, as the Hon. Sandra Kanck correctly spelt out in her contribution. This government also professes, whenever it is convenient, to say that it is an open and accountable government. There was no transport policy released on this matter at all. I did not see even a minimalist one—I think the Hon. Sandra Kanck was being particularly generous. But there was no policy and now the government does not even want this reference to look at the broader issues.

I am not pretending that the PTB is perfect, but we must be very confident that, if there is a new system, it is not simply developed on the basis of the false facts, biased opinion and misleading references that are in this belated policy released by the Labor Party which led to the extraordinary conclusion that the PTB should be abandoned and there should be an office of public transport.

I have spoken to Labor members opposite, as well as members who are no longer in this place, and they understand that today the government's proposal for an office of public transport does not address the passenger transport issues in the broadest context, and certainly does not take account of the commercial sector and the provision of passenger transport services in country areas. So even the name of the proposed new office is wrong in terms of the delivery function of accessible passenger services.

Before closing, I highlight that it is a great shame that the Hon. Mr Sneath has not only spoken against this but, as the Hon. Caroline Schaefer said, has spoken against it with such biased opinion. South Australia is not acknowledged as a backwater; it is acknowledged as a leader. You only have to speak to the transport operators in Victoria and New South Wales. We have an integrated system, with savings generated from competitive tendering. It is not the privatisation focus. This is political, blinkered bias. It is not privatisation; it was competitive tendering. Our integrated marketing, ticketing and livery programs in this state are the envy of other states. We have to be very cautious before we throw out all the good things because of the political propaganda, bias and misleading information in the belated Labor policy, and again presented here by the Hon. Mr Sneath. I hope that he will be worthy as a Chair of the Statutory Authorities Review Committee when this reference comes before the committee.

Motion carried.

[Sitting suspended from 6 to 7.45 p.m.]

GAMING MACHINES (LIMITATION ON EXCEPTION TO FREEZE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 8 May. Page 46.)

The Hon. A.J. REDFORD: I support the second reading of this bill, although I will be seeking to amend the bill slightly. The Gaming Machines Act was amended in December 2000 and, subsequently, in May 2001, it was amended to impose a freeze on new gaming machine licences, pending an inquiry by the Gambling Impact Authority, known as the GIA, on the efficacy of the cap. The cap expires on 31 May.

The Hon. Nick Xenophon: Independent Gambling Authority.

The Hon. A.J. REDFORD: I apologise—the Independent Gambling Authority, the IGA. Obviously, the general question of a cap will be discussed by this parliament some time before that date. The initial cap was the consequence of an amendment to the Hon. Nick Xenophon's bill moved by me on 7 December 2000, and it was subsequently extended in May last year. Section 14A of the Gaming Machines Act provides:

> Caps shall not apply where a licence is surrendered following the removal of the liquor licence to new premises.

This bill seeks to limit that exception to transfers of machines within a locality. The bill came about as a consequence of the attempt to remove a hotel licence, from Whyalla to Angle

Vale, granted by the Licensing Court last week, subsequent to the introduction of this bill. Section 24 of the Gaming Machines Act provides:

> The commissioner—
>
> the Liquor Licensing Commissioner—
>
> has an unqualified discretion to grant or refuse an application.

It may be said that he should be left to do his work without this legislative interference. However, section 30 provides certain rights of objection to a grant, although the grounds of objection are extremely limited. The removal of a licence is one thing, but this bill does not seek to alter that removal or affect the decision of the court in that respect. Indeed, the judge based his decision on an earlier decision made in January 1992 that there was a need for a hotel licence at Angle Vale—a decision made more than two years prior to the introduction of poker machines.

I have heard that the passage of this bill will have a retrospective effect, and in this respect I beg to differ. As I said, section 24 enables an application to be dealt with on its merits and, in this case, the merit would be that such an application would be made after the introduction of the bill. Yesterday, I received a letter from Mr Peter Hoban of Wallmans who described this bill as 'retrospective'; with respect, I disagree. If it sought to remove or delete the hotel licence, it would be so; however, it does not seek to do that. That is emphasised in the judgment. Indeed, in the judgment handed down on Friday, His Honour said:

> I have dealt with certain preliminary points and the transcript will evidence that. I simply reiterate that I am not here to grant poker machine licences. If there is a need for Hotel facilities (which these days often embrace a desire to gamble in the case of many) and such is not being met by other licensed facilities in the locality, and all things being otherwise equal, then an Hotel Licence would be granted. This does not mean that I endorse the proposition that poker machines ought to be granted. That is entirely a matter for the Commissioner and I leave him to it.

Indeed, in support of my earlier assertion that he simply, in outlining his reasons for granting the application to remove, referred to his decision made in 1992, which was a decision made well before the advent of poker machines, I point out that he said:

> In 1992 (see my judgment dated 22 January 1992) I found that there was a need for Hotel facilities at this very site. Since then no Hotel has been built and yet the population in the locality has increased markedly and continues to increase. The need witnesses in this case have confirmed all that I believed in the original case namely the need for a Licence to permit Hotel facilities was proven.

In other words he was simply re-endorsing his decision made in 1992, which was made well before the advent of poker machines. There is no actual proprietary right in relation to poker machines. The applicant in this case only has a right to apply and the parliament has every right to change the basis upon which an application to have poker machines might be made. Mr Hoban, in a letter sent to me dated 31 May 2002 in relation to this bill, made another comment. In that respect he said:

> With respect, if Parliament had intended some limitation upon such removal applications then it ought to have put such an embargo on the relevant section of the Gaming Machines Act.

With the greatest of respect to Mr Peter Hoban and the intention of parliament, I should say something about what I intended when I moved the amendments to the gaming machine legislation in December 2000 and May last year. However, before doing so I add that some might argue that the current position is clear and that the commissioner could take into account the freeze in section 14A in exercising his discretion pursuant to section 24 of the Gaming Machines Act. However, that would be to leave the current legal position in a state of uncertainty. Parliament in my view made it very clear that the status quo was to remain until the IGA had completed its inquiry into the issue. The freeze provision came about as a consequence of an amendment and as such was not part of a second reading explanation.

The last second reading explanation on 17 May 2001 did not incorporate the freeze as it was moved by the Hon. Rob Lucas on the part of the government. The freeze was initiated by an amendment moved by me, and I can only conclude that the final vote on this issue reflected what I said in support of my amendment, in other words, I suggest that what I said on that occasion, supported by other members in this place, would evince the intention of parliament that Mr Hoban refers to in his correspondence. For the benefit of members, I will refresh their memories of what I said on that previous occasion. On Thursday 7 December 2000 I said, in moving the amendment:

> I have become increasingly concerned that every time someone mentions a freeze a rush of applications is filed, which is entirely counterproductive to what the proponents of a freeze are actually seeking.

I go on and say, in reference to a proposed inquiry as to major reform in the poker machine industry and the process that would lead up to that reform, which was in contemplation at the time, the following:

> With such a significant debate to take place from March to May next year on this topic, it would be inappropriate to proceed to issue licences. It would be unfair and potentially misleading to applicants, particularly if parliament makes any significant change to the legislation. In the past, I have opposed such measures. Indeed, most of the debate in the last parliament centred around the issue of transferability and the like: in other words, protecting the existing wealth of publicans.

I went on and repeated and emphasised that it was my view in relation to the temporary freeze that there should be no transfers or shifting around of licences and no possibility of any windfall gains to licensees whilst the IGA considered this whole issue in the clear light of day. Indeed, and it was a rare occasion, even the Hon. Mike Elliott supported my position and said in the same debate:

> I have indicated on a number of occasions that I am prepared to support a cap as a temporary measure, which is what this amendment will achieve, to give us the breathing space to take a close look at the regulation of gambling and, in particular, methods of harm minimisation.

The issue was revisited in May last year when I moved my amendment. I again reiterated the purpose of my amendment on that occasion and stated:

> . . . the continuation of the freeze enables two things to occur: first, the establishment of the Independent Gambling Authority, which will look at and consider a range of measures and determine whether or not they may or may not be effective, including whether or not it is appropriate to continue the freeze indefinitely in the future.

I also repeated my position in so far as the possible enrichment of publicans, should there be any regime that might seek to enhance the transferability or value of licences through any process of transferability, again reiterating that that should be a matter to be considered in the cold hard light of day by the Independent Gaming Authority. Indeed in committee on the bill on 29 May I reiterated that by saying:

> First, I stand by the comments I raised in my speech on this issue last year when the interim freeze was proposed. Secondly, the issue in relation to how we deal with transfers of licences, goodwill and

the like is a matter that will be referred to the Gaming Supervisory Authority, which will become the Gambling Impact Authority in the event that the bill passes.

I also referred this place to the committee formed by the then Premier, the Hon. John Olsen, comprising the hotel industry and various welfare and church organisations in relation to this issue. For the benefit of those members who do not recall, and for the benefit of new members, that committee involved a broad group of stakeholders involved in this industry and chaired by the Hon. Graham Ingerson. That was a long process and the parties involved in that process approached it in a spirit of extraordinary goodwill. There was a degree of compromise by the hotels on the one hand, the clubs on the other and the various welfare groups, and a balance was achieved.

It was my view that parliament had no other alternative but to honour the arrangement that these groups entered into. On that issue, I made this comment:

> It is part of an historical agreement, if I can describe it as that, that occurred between the proponents of gaming machines in the guise of the hotels association and the licensed clubs association on the one hand, and the various welfare and church groups on the other. As I said in my second reading speech, it is my view that this parliament owes it to those parties to honour that agreement and the compromises that the party reached therein.

I went on to say that unless it was substantially honoured by the legislation, as amended through the committee stage, I would not support the bill at all. So, it is important, for the purpose of the processes that were adopted that led us to the position we are in today, for parliament to use its best endeavours to protect and enhance that extraordinarily positive process. All of those parties, representing different groups, and in some cases conflicting interests, entered into the process in a spirit of extraordinary goodwill.

A memorandum I received yesterday from the Hon. Nick Xenophon states:

> Even the Australian Hotels Association SA seems to be supportive of the amendment in that its formal response to the bill, whilst continuing to be opposed to a freeze philosophically, states, 'We are somewhat concerned that the current act allows an unintended benefit to be obtained in relation to transferability.'

I am suggesting that the AHA has a fairly clear understanding about the agreement entered into by all parties involved in that very important process.

I feel that I would be remiss in my duty if I did not seek to endorse and uphold the agreement that was entered into by the AHA and the welfare groups. It is my view, subject to a minor amendment, that what the Hon. Nick Xenophon is seeking to do here is consistent with that historical agreement. In what I suspect will not become habit forming, the Hon. Mike Elliott, on a second occasion, agreed with me.

The Hon. T.G. Roberts: Historical!

The Hon. A.J. REDFORD: The minister has been here a lot longer than me, and he has probably observed the relationship between the Hon. Mike Elliott and me from a more impartial perspective, and I would not disagree with his assessment in that respect. The Hon. Mr Elliott said this in relation to the freeze:

> It would be unfair and unreasonable to allow further investment to go on, assuming things will stay as they are. I do not think that anybody in this place believes that they will stay as they are for very long. I am prepared to support a temporary cap during the period of that cap. I hope that we will see some further significant change in the law.

He is indicating that he wants the status quo to remain whilst the processes of reform and analysis are undertaken. In probably an historically rare agreement, the Hon. Legh Davis supported the Hon. Nick Xenophon in this process, and I know that the Hon. Rob Lucas walked around for days afterwards in a state of shock. The Hon. Mr Davis said this:

> I support the cap. It is an initiative which has been largely agreed to by the various parties. I must say that I commend the churches and the hotel industry for the way in which they have got together to fashion a code which has been agreed to. The churches have accepted the reality that poker machines are here, but they have come up with many sensible suggestions which, for the most part, have been accepted by the hotel industry which recognises the challenge of coping with problem gambling and the social and economic consequences that flow from it.

What underpinned the support of the Hon. Legh Davis on that occasion was this agreement. I am suggesting to all members in this place that we have a duty and an obligation, if we are to continue this legislative and consultative process, to respect that sort of agreement. In this respect, it is an agreement that expires 12 months hence in any event, and the applicants for this licence will be free to deal with their position following appropriate legislative attention in the not too distant future.

Again—and this is a much more common event—I received support in that respect from the Hon. John Dawkins when, in a short contribution supporting the cap, he said the following:

> As many members would realise, in earlier days I certainly did not support a freeze or a cap. However, I have taken into account the work of the gaming machine review group which included representatives from the AHA, clubs SA, heads of churches and welfare service groups. I remain unconvinced that a cap will achieve what many people in the community expect. But I am prepared to support the cap because I believe it is a move in the right direction towards getting the balance right in our communities.

In other words, the Hon. John Dawkins was saying that he respected the agreement and process that took place on that occasion. Nothing could be clearer than what all of these members, and other members, agreed with and said on this issue, and that is that the status quo ought to remain until, in the cold hard light of day, we carefully analyse the effect of a freeze and then, as a parliament, respond to that report.

That is what led to the legislation that is currently in place. Certainly, there was no exception. Indeed, the Hon. Paul Holloway, if I remember rightly, sought to extend the range of exemptions, and in this place he won that debate, but after considerable debate in another place, on one of those rare occasions where I have to say that debate in another place was of a better quality than we experience in this place—and that happens from time to time—the legislation came back here, we all considered what had been said in another place and agreed that, despite the Hon. Paul Holloway's eloquent contribution, perhaps we ought to agree with the House of Assembly. Even the Hon. Paul Holloway's limited exemption—and it was a very limited exemption, as he said himself—was rejected.

If the facts of this matter had been made clear to this place, I am sure that all of those members who voted 14 to seven, and that is a significant vote, would have said that this should not occur. In another place, the member for—what is Kevin Foley's electorate?

An honourable member interjecting:

The Hon. A.J. REDFORD: The member for Hart—

The Hon. R.I. Lucas: Bart!

The Hon. A.J. REDFORD: I will ignore that interjection.

The Hon. J.S.L. Dawkins: It is now Port Adelaide.

The Hon. A.J. REDFORD: The then member for Hart, and the current member for Port Adelaide—and I think at the minute he is still the Treasurer—said:

> As a parliament we should be very concerned about creating a commodity in poker machines as we see in other areas of regulation and in government.

It is not often that the Hon. Nick Xenophon would agree and nod in support of a statement about poker machines made by the Treasurer in another place, but I see that he is nodding at that assertion as I speak now, and I have to say that it is a rare occasion on which I agree with Mr Foley. The prevailing view in another place was pithily summed up by the member for Mitchell, Kris Hanna, and I will read his comment on this issue of caps in its entirety, because there were only two contributions in another place. He said:

> We either have a cap or we do not. It seems to me that the majority of parliament is in favour of having a cap. The only way for it to work properly is to enforce it. It is black and white. You cannot have a cap with a rack of exceptions for which this Legislative Council amendment would provide. It is like having a condom with a hole in it—it will make the cap pretty well useless. Without revisiting the whole debate about the cap, if we are to have whatever protection the cap provides, we must support the Premier today.

The Hon. R.K. Sneath interjecting:

The Hon. A.J. REDFORD: I note that the Hon. Bob Sneath interjects, I assume in support of his left colleague, and I am grateful for that indication of support. It is important to note that the vote on that occasion was 33 to 13 rejecting the Hon. Paul Holloway's (with the greatest of respect) well thought out but unpopular exemption. In the face of that pithy argument from the member for Mitchell, we saw the light of day and ultimately conceded.

I support this bill. It reflects precisely what we intended just 12 months ago and sends a message from parliament: when we say we are having a cap, we are having a cap. I hope that those who are involved in the industry would understand that this parliament will seriously consider the whole issue of a cap—and I have my reservations about whether it makes one jot of difference. But we will seriously and appropriately consider that issue. It is not fair that someone with a smart lawyer can get the jump on the rest of the industry and seek to secure an advantage in the face of what was a clearly stated intent on the part of the parliament on two separate occasions not 12 months ago.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

SUPPORTED ACCOMMODATION

Adjourned debate on motion of Hon. S.M. Kanck:

That the Legislative Council requests the Social Development Committee to investigate and report on the issue of the impact of supported accommodation needs on South Australian people with a disability (including mental illness, physical disability, brain injury, intellectual disability and neurological disability), their families and the community, and in particular:

1. Current levels of supported accommodation services available in metropolitan and rural regional areas.
2. The quality of supported accommodation currently available.
3. The number of people waiting for supported accommodation.
4. Waiting times for supported accommodation.
5. Alternatives available for people waiting for supported accommodation.
6. The impact of 'deinstitutionalisation' on accommodation needs for people with a disability.
7. Any other related matter.

(Continued from 15 May. Page 145.)

The Hon. G.E. GAGO: I support the motion moved by the Hon. Sandra Kanck to investigate supported accommodation needs in South Australia. I am sure that all my colleagues in this chamber would agree with me that people with either a disability or mental illness have the same rights to participate within society as all citizens in Australia. It is important that people with disabilities and mental illnesses are empowered as full citizens, and that we support the development of their abilities according to their own unique circumstances and continue to advocate their right to be included within society.

As chairperson of the Social Development Committee, I support the proposed investigation into the impact of supported accommodation needs on South Australian people. The type of accommodation in which people with a disability or mental illness dwell has a significant impact on the quality of life of those people and impacts on the ways and extent to which they can have meaningful participation within the community. Accommodation currently available to people with disabilities comes in many forms, from living relatively independently with assistance from GPs, family and friends and in-home support packages, to varying forms and degrees of supported accommodation such as hostels, group houses or attended care, to institutionalisation in a facility such as Strathmont, Julia Farr or Minda, just to name a few.

The forms of accommodation used by people with special needs impacts not only on those who receive supported accommodation but also on their carers, their families (often one and the same as carers) and the communities in which they live. How well we are prepared to assist and support those amongst us who are probably some of the most disadvantaged and most vulnerable members of our community reflects on how civilised and compassionate we are as a society.

The tasks outlined in the motion before us will not be easy. A major problem that the Social Development Committee will have when investigating the issues relating to the terms of reference is the lack of clarity available in distinguishing between the different disability groups. Currently, 'disability' is dealt with in a wide range of legislation, and different legislation defines 'disability' in many and varied ways. The way in which a particular disability is classified can affect the types of services that people are entitled to access. For example, a person with an acquired brain injury that has occurred as a result of a motor vehicle accident can be eligible for different services from those who, for instance, are brain injured at birth.

It has been brought to my attention that, currently, eligibility for support services is generally prescribed according to the legislation which the individual falls under, such as the WorkCover act, the Disability Discrimination Act, the Mental Health Act, etc. I believe that many problems result from this current trend and that it adds to the complexity of the community's understanding, for both service users and providers, of what service options are available as well as entitled access to services.

There is also currently a great deal of ambiguity around some of the groups that the Hon. Sandra Kanck has included as a 'disability'. For instance, there are some who would not classify mental disorders, such as personality disorders, as a mental illness. Yet it would not be implausible, given that some people with personality disorders have suffered from traumatic early childhood experiences such as sexual, psychological or physical abuse, that they might find themselves, say, in need of supported accommodation such

as a women's shelter due to a domestic violence situation. There are also complexities in understanding and defining 'disability' when the issue of co-morbidity is considered—again, especially in the area of mental health. An example of co-morbidity in this instance is, for instance, a person with a mental illness who also abuses drugs and/or alcohol.

A colleague of mine recently reported to me that, amongst clients within mental health services, there can be at times up to 60 per cent with a co-morbidity problem. And, of course, it can be difficult to assess whether the underlying problem is the mental illness or, in fact, the drug or alcohol abuse. For instance, for the sake of this example, is the person with a psychotic illness drinking excessively, if you like, to drown out their hallucinations; or is the neurological damage caused by excessive chronic alcoholism creating the hallucinations? Depending upon how this person is diagnosed or classified, it will affect the services to which they have access, including accommodation.

I think we all appreciate that the needs of those with disabilities are varied. Different needs arise not only from the different nature of the disability—for example, people with intellectual disabilities clearly have a different set of needs from, say, someone with a physical disability—but also individual needs are varied and change throughout their life cycles and periods in their life. For example, a young child's needs will be very different from those of an elderly person. The area of mental illness is even more complex. A person's needs can vary dramatically from one day to the next. A person can be coping extremely well independently at home one day, and the next day can be acutely ill and require extensive and intensive services. This cycle may or may not recur throughout that person's lifetime—and in many cases it is, in fact, extremely difficult to predict whether or not that is likely to occur. This does, of course, complicate the planning of services and also the ability to assess aspects such as unmet needs.

One of the issues which the Social Development Committee might like to investigate is how functional needs (physical, psychological and emotional) might drive eligibility and access to support services (including supported accommodation) rather than what currently occurs, which is according to the legislation under which the person's disability is defined or how that person actually acquired the disability in the first place. We need to unpack the total bundle of services available to people with disabilities (including supported accommodation) and make it simpler to understand and therefore more accessible.

As my colleague has previously pointed out in this place, the current arrangements for supported accommodation services are extremely—and I might add obscenely—complicated. They are provided for under several different pieces of legislation administered by several different departments involving different levels of government responsibility. The structure and processes involved in the development, implementation and delivery of programs for those with intellectual and physical disabilities and mental illness is unwieldy and cumbersome. It is little wonder that those with a disability and their families have difficulty in determining exactly what they and their loved ones can have access to. One almost needs to be a Rhodes scholar to understand the maze of services and their associated funding arrangements.

I understand that under the current arrangement access to accommodation services is prioritised according to assessed needs. As vacancies occur or new services are developed, those who are in a high category of need are placed. This means that people with less need often have to be on waiting lists for many years or wait until their need actually becomes urgent before they are shifted up the list. In many cases, this is a highly unsatisfactory situation, one which can create problems which could have been avoided if appropriate services were made available in a timely fashion. That also has significant cost implications, I might add.

The impact of deinstitutionalisation on families and communities is an extremely important issue, something well worth investigating. It is interesting to note that, although South Australia has a smaller population, its total population of people with a disability living in institutions on a per capita basis is higher than that of all other states. Providing responsive community-based support and accommodation options is now recognised as best serving the rights and developmental needs of people with disabilities, including people with a mental illness.

Deinstitutionalisation is a sound policy; however, for it to be successful it requires that adequate funding be designated to the development and maintenance of community-based services, including supported accommodation. There are many obvious examples of where the previous government has failed in this respect, particularly in the area of mental health. However, it is also important to note that, generally speaking, the cost of providing community-based care and services is more expensive than providing care in institutions.

The transition from institution to community clearly needs to be planned and considered very carefully not only to ensure that service delivery needs are met but also to assist and support those who are going through that transition experience. Many people, particularly those with a severe disability or a mental illness, were institutionalised at a time when there were no other options available to them and their families. In fact, in the not too distant past, society not only condoned but actually advocated institutional placement. Policy and funding (at both state and federal level) reinforced that this was the way that families should cope with disability. Families who chose not to institutionalise their son or daughter were just as likely to be criticised as praised. Families could not get the services or the support that they needed.

I think all members here can unfortunately still remember a time when children with particularly profound disabilities were frequently denied admittance to, or very poorly served by, our public schools. Therapy services were scarce and expensive, health care was often inadequate and respite care was simply unheard of. Family relationships were often strained because of this and siblings stressed. These families often faced financial hardship, social stigma and isolation. Parents often feared that their disabled son or daughter might outlive them and that there would be no-one left to look after them in the long term.

It is not surprising that these types of pressures often led a family to institutionalise their son or daughter, and unfortunately in some cases this is still occurring today. However, it is extremely pleasing to note that this situation has been changing and continues to change. Policy and funding now focuses on community-based support services. However, we must remember that there are still many who live in institutions and who have lived there for many years: it is their home. We must be mindful that, as deinstitutionalisation progresses, the transition of these people into community-based care is likely to be very traumatic and require careful planning and support to enable them to adjust successfully to

their new environment. There are also many studies and, of course, circumstantial evidence showing the unacceptable results of 'slap-bang' deinstitutionalisation.

Another important aspect of the investigation will be to look into the many gaps in the figures that are available which assess the current levels of supported accommodation services in metropolitan and rural South Australia. Whilst we have detailed data in some areas, there would appear to be significant deficits or gaps in others. I look forward to being part of the investigation into this important and challenging issue of supported accommodation for people with disabilities. I commend the motion to the council.

Debate adjourned.

DIGNITY IN DYING BILL

Adjourned debate on second reading.

(Continued from 3 June. Page 293.)

The Hon. J.S.L. DAWKINS: I rise tonight to debate the dignity in dying legislation which has been reintroduced by the Hon. Sandra Kanck. This bill, if passed, would allow access to voluntary euthanasia for people who are hopelessly ill and who have made a request for it to be carried out. I indicate my general support for voluntary euthanasia, as I did when I contributed to the debate on the bill on 30 May 2001. As I have said, I indicate my general support for voluntary euthanasia and that I will vote for the passage of this bill through the second reading stage. If the bill passes that stage, it is my intention to closely examine it following the committee stage before determining my final vote on the legislation.

The speech that I made on 30 May 2001 was the first time that I had spoken on voluntary euthanasia legislation. However, I did vote in favour of a select committee being re-established after the 1997 election to examine the Voluntary Euthanasia Bill which was initially sponsored by the Hon. Anne Levy. The select committee had been established prior to the 1997 election but had lapsed when the poll was called. That motion failed by one vote and was replaced by an amended motion which referred the Levy bill to the Social Development Committee.

As I have previously indicated, I have closely followed the debate about voluntary euthanasia for a number of years. This bill does not talk about making the decision for others but it is about voluntary euthanasia for those who are hopelessly ill. A number of members would be aware of the fact that part of my working life before I came to this place involved assisting three federal members of parliament. During that time, the matter of voluntary euthanasia was frequently raised, and that dramatically increased during the period in which the Northern Territory's legislation was challenged in the federal parliament by what was well known as the Andrew's bill. My thoughts on the issue were provoked considerably during this period, particularly by some of the comments made by my employers' constituents on both sides of the issue.

I have given a significant amount of thought to a range of issues in relation to this legislation and in relation to the international debate about voluntary euthanasia. I do not wish to keep the chamber very long this evening, but I wish to say a couple of things before reading some correspondence into *Hansard*. I want to comment about the bill's inclusion of the 12 steps which people must take and the additional further steps. I also compliment the Hon. Ms Kanck for the preparation of the bill and for the way in which those steps are a strong facet. I also have a concern in relation to the eligibility to use such legislation in relation to a residential qualification. It has been raised with me that, if we bring in this legislation, we could see what has been described to me as 'euthanasia tourism'. Obviously that was an element that we saw in the Northern Territory.

I am not sure of the correct time frame, but I will give that some more thought and certainly I will give considerable consideration to moving an amendment that there be a time stipulation—whether it be 12 months or two years, I am not sure—to allow people to use this legislation—

The Hon. Diana Laidlaw: A residency qualification?

The Hon. J.S.L. DAWKINS: Yes. Having said those things, I refer to an editorial from the Chairman of the South Australian Division of the Royal Australian College of General Practitioners, Dr David Tye. This article was published during last year's debate on voluntary euthanasia, but it came to my attention only after I made my speech on that occasion. However, I think it is just as relevant today as it was then. I refer to the article because it contrasts with the views of the Australian Medical Association, which has a particularly one-sided stance in relation to this bill, whereas the College of General Practitioners has taken a neutral stance. The editorial states:

> The subject of euthanasia has again come up in parliament.
>
> Seemingly as doctors we should be at the forefront of this debate because of our intimate involvement with palliative care. This belies the fact that the attitudes within the profession are as diverse and contradictory as any other part of society. We have seen in our numbers those vociferously opposed through to those who play it almost as theatre.
>
> At the start of the twentieth century many countries were controlling aberrant activities with criminal penalties. Marriages of mixed race, faith and even denomination were banned. Homosexuality and prostitution likewise were subject to prosecution. All these activities which affect essentially only the participants, may not be to our taste, but one does wonder as to the correctness of calling them criminal.
>
> The activities of our fellow man, waging wars and killing people, has never been illegal, although since the Geneva convention and European war crimes trials it has at least been subject to some 'civilised' rules. Likewise the courts have been very lenient on those who have killed under extreme provocation or abuse, particularly as seen in abusive marriages.
>
> It worries me, personally, that a doctor can be sent to gaol for performing euthanasia where it is in appropriate circumstances and at the request of the dying person.
>
> BUT. There remains a large difference between good palliative care and active euthanasia. The current law in South Australia recognises that good palliative management may hasten a patient's death. Where this happens and the intent is optimal palliative care, then that is appropriate. When the intent is to hasten death rather than palliative management the law changes.
>
> The community generally seems to support euthanasia. In the medical profession there is perhaps less direct support as the palliative care act allows us to deal with most circumstances without recourse to euthanasia.
>
> It is a big step to support euthanasia, and I believe that it is one that can only be made individually from our own hearts and beliefs. The college cannot and should not impose standards based on personal beliefs and convictions.
>
> The college will not support the bill, nor will it actively object. It is properly the parliament as the voice of the people that must make this decision. I would encourage everyone to read the bill and approach your parliamentarian if you have a strong view.

As I said, that editorial was written by Dr David Tye, Chairman of the South Australian Northern Territory Faculty of the Royal Australian College of General Practitioners.

In conclusion, I say that I highly respect the views of all my colleagues on this issue. As Dr Tye said, it is certainly an individual issue. As I have said previously in this place, I have been a lifetime member of formerly the Methodist

Church of Australia and more recently the Uniting Church in Australia. While I have not possessed a firm view on the issue of voluntary euthanasia, I have had the opportunity to take account of many letters, telephone calls, emails and verbal conversations regarding this matter. I am most conscious of the absolute need for any voluntary euthanasia legislation to contain strict safeguards and to avoid any possible loopholes.

The bill as it stands goes a considerable distance towards satisfying my wishes in relation to addressing the current situation. As I said earlier, ultimately I will make my decision on whether or not to support this legislation at the conclusion of the committee stage, if of course it passes the second reading.

The Hon. P. HOLLOWAY secured the adjournment of the debate.

SUPPORTED ACCOMMODATION

Adjourned debate on motion of Hon. Sandra Kanck (resumed on motion).

(Continued from page 348.)

The Hon. R.D. LAWSON: The Liberal Party will be supporting the motion of the Hon. Sandra Kanck, which requests the Social Development Committee to investigate and report on the issue of the impact of the supported accommodation needs on South Australian people with a disability. This is a very important issue. I had the honour to be the minister responsible for disability services for some four years, during which time the government recognised the importance of additional supports for people with disability and we were able to increase funding to those services over the time of my ministry. I am indebted to the sympathetic hearing I always received from the Treasurer during that time, because the demands on the budget were very great and there is never sufficient funding for all the needs in disability services.

The needs of people with disabilities include not only residential accommodation—although that is, of course, a vitally important need of all members of our community—but also physical supports, very often in the form of equipment and modifications to their accommodation arrangements and other physical supports. People with disabilities also have employment needs, and the provision by the community of opportunities for employment is very important, whether that employment be in the open market or in the supported employment field. In South Australia we have a number of organisations providing supported employment for people with disabilities, most notably Bedford Industries and the Phoenix Society—and there are a number of others.

We are also fortunate in having in this state a number of organisations which over a considerable time have in very many different ways provided supports. For example, in the non-government sector, Minda Incorporated, which celebrated its centenary only a couple of years ago, over the years has provided great support to many people. In recent years it has adopted an enlightened approach rather than an institutional one, and many Minda residents now live in the community in supported accommodation.

Within the government sector itself, the Disability Services Council has provided tremendous support. Strathmont Centre was, of course, the large institution established by the government in the 1970s, but the number of people now residing at Strathmont has fallen considerably. People have been moved out into community accommodation which is appropriately supported. Current philosophies do favour providing opportunities for people to live in small groups with appropriate support. It is sometimes suggested by ignorant people in the community that it is done for the purpose of saving money for governments and communities. It is actually done for the very good purpose of assisting people to live life to the full. There are a range of other opportunities which any civilised community must provide for those with disabilities, including social activities, opportunities for travel, and the full gamut of services that all members of our community enjoy.

As I said in my opening remarks, there are never enough funds—and I do not believe there will ever be enough funds—to support fully every need for people with disabilities in the community. Of course, it is easy to generalise about people with disabilities, but there is a huge range of ability within people with disabilities. There are those who have profound disabilities, which make it not possible for them to live without 24 hour personal attendant support. Others have a disability which, while serious and substantially affecting their life, enables them to live for most of the time a life similar to that enjoyed by most people in our community.

There have been a number of reports in South Australia on the need for supported accommodation. A number of people are very much against the provision of any form of institutional care, and they have been campaigning for a number of years. When I was in government, we certainly resisted some of the demands of what I regard as zealots, who seek to pull down the walls of all institutions, and people who object to any form of congregate living. Even people living four in a house is, in the view of some, a form of institution which is to be deprecated.

In the motion the honourable member speaks about those with mental illness. People with mental illness are not classified under the South Australian Disability Services Act as being people with a disability because it was considered by those who established this legislation, and supported at the time by the disability community, that those with disabilities are people with lifelong disabilities for which there is no medical treatment. They should be regarded as one category—a category treated separately from those within the medical system where their needs very often are overlooked—and those with mental illnesses or other medical conditions should be handled within the health system. In very brief terms, it was for that reason that people with mental illness were excluded from the definition of 'disability' in the Disability Services Act, and it does have funding ramifications. While I have no philosophical objection to the inclusion of those with mental illness in the definition of 'disability', I was always careful to ensure that, if they were to be treated as people with disabilities, then the appropriate level of funding to support them would come with them when they came under the disability umbrella.

There have been a number of reports on the subject of accommodation. The accommodation needs of those with disabilities is recognised. It was recognised at a national ministerial meeting some three years ago as one of the important areas of so-called unmet need. I think it is appropriate that members of this parliament, through the Social Development Committee, are apprised of the issues. I think it is regrettable that too many members of parliament are not familiar with some of the difficult issues which face people

with disabilities, nor are they sufficiently cognisant of the issues in the disability sector. An investigation of this type by the Social Development Committee should provide the parliament with information. It should, one hopes, provide solutions and a way forward to continuing to improve the situation for those with disabilities. On behalf of the Liberal Party, I am happy to indicate support for the motion.

The Hon. SANDRA KANCK: I thank government and opposition speakers for their support. I also put on record that the Hon. Terry Cameron, the Hon. Andrew Evans and the Hon. Nick Xenophon have indicated to me that, although they are not speaking, they support the motion. The major issue in the contributions was the difficulty in defining 'disability'. The fact is that disability is defined in different acts in different ways and the service delivery that results from that is different, depending on which department is treating you. Of course, that will make it a very interesting reference for the Social Development Committee.

As the Hon. Gail Gago also mentioned, co-morbidity issues—the diagnosis of which part of co-morbidity is the principal diagnosis—will also determine the type and level of service, including accommodation, that is available. Given that there is already this knowledge of the different sorts of definitions, the different levels of service that come from different departments as a result of different diagnoses will be part of any recommendations that come back from the Social Development Committee. Maybe we might get some standardisation of definitions; maybe that is inappropriate.

I think in some ways this could open up a can of worms, but the recommendations that come back from the committee to this parliament after what I think will be some quite intensive deliberations—and I imagine some quite emotional evidence, on occasion—will be something that will be of value to all the parliament and hopefully also to the minister so that we can advance the cause of people with disability.

Motion carried

CHAMBERS, Ms K.

Adjourned debate on motion of Hon. Diana Laidlaw (resumed on motion).

(Continued from page 330.)

The Hon. R.D. LAWSON: In my earlier contribution I was warmly congratulating Kasey Chambers, a task which I undertook on behalf of the Hon. Diana Laidlaw, and I look forward to her contribution on this motion.

The Hon. DIANA LAIDLAW: I thank the Hon. Robert Lawson for his assistance in helping me move this motion. Kasey Chambers won the award for Songwriter of the Year in the Australasian Performing Right Association Awards on Monday 3 June, which was the same day that she celebrated her 26th birthday and the release of her new single recording *Million Tears*.

An honourable member interjecting:

The Hon. DIANA LAIDLAW: Yes, I am just going to mention that. All of these big events in her life and that of her family and partner, Cori Hopper, followed the birth of her son Talon Jordi Hopper some 10 days earlier. Kasey Chambers is a star—a country music singer/songwriter star who is blitzing the general music scene Australia-wide and internationally. She was born in Mount Gambier and from the age of three weeks grew up on the Nullarbor Plain when her part-time musician parents, Bill and Diane Chambers, resolved to move to this remote area. Their survival relied on Bill catching dingoes, rabbits, emus, wild turkeys and kangaroos, while Diane cooked over the campfire, which also served as a site for singing favourite Australian and American country music recordings.

At this time Kasey and her older brother Nash not only absorbed the power of music but also learned to hunt and shoot game at about the same time that they learned to walk. According to Kasey Chambers' unofficial fan web site, in 1987 the family 're-entered the civilised world' when Nash was 12 years old and Kasey 10. They progressively formed the Dead Ringers Band, toured all over Australia and gained 'overnight success' in 1995 when the family band won the Golden Guitar at Tamworth for the best group.

The Dead Ringers Band dissolved as a group in 1997-98, but essentially in name only as the band's demise coincided with the commencement of Kasey's solo career, with father Bill playing guitar, Nash playing bass and producing her recordings, and Diane handling the ever increasing issue of merchandise sales. Kasey was only 21 years old when she wrote and recorded her first solo release *The Captain*, featuring her family life and her sentiment for the Nullarbor Plain. *The Captain* was critically acclaimed in both Australia and the United States.

In Australia alone Kasey won the 1999 Aria Award for best country release. In Tamworth in early 2000 she won two Golden Guitars for Album of the Year and Female Artist of the Year, followed by the 2000 Arias where she won the Best Female Artist Award when she beat Kylie Minogue. I interpose here that this was an unprecedented feat for a country music singer in any nation, not just Australia, to win an award amongst all the talent across all musical recordings in any given year. Kasey achieved that as a country music artist in 2000, when she won the ARIA best female artist award.

Following those fine achievements, Kasey's recording of *The Captain* went on to gain double platinum sales. Meanwhile, in the United States, in 2000 Kasey Chambers headlined Adelaide's sister city's Austin City Limits program, the first time that a non-American has ever done so. No-one in this parliament, or elsewhere, should underestimate this achievement.

Each year, Austin City hosts the internationally renowned South by South West music convention, or festival. To have Kasey Chambers, aged 24, head the Limits program was an achievement of extraordinary proportions when one considers the USA's traditionally partisan promotion of country music as its own.

When two representatives of Music Business Adelaide attended the South by South West convention earlier this year to set the scene for future international exchanges between Austin and Adelaide in contemporary music associated with Music Business Adelaide, Kasey Chambers' name was raised regularly at every meeting, not only in Austin but also with USA music industry representatives.

Fortunately, in this instance of international success of Australian artists, Kasey has been lauded not only in Australia but also overseas. Her follow-up recording to *The Captain*—namely, her album *Barricades and Brickwalls*—has been reported upon generously as:

> . . . cementing her reputation as a musical force.

This album includes *Not Pretty Enough*, which Kasey wrote, and in March this year, the recording hit the number one

position on the Australian music charts—again, an extraordinary achievement for a country music star anywhere in the world in terms of the national music charts. This was a landmark for Kasey, not only personally and professionally but also for country music generally.

Based on the success of her song *Not Pretty Enough* in 2001, last Monday night Kasey won the APRA songwriter of the year award. Meanwhile, on 14 February this year, she was described by the music critic for the renowned US publication *Rolling Stone* as 'a star, a performer, and a vibrant tunesmith'. *Rolling Stone* went on to define Kasey as 'the precious young voice in American roots music'. So, they are already claiming her success as an American credit.

Kasey's album *Barricades and Brickwalls* has been described by the London *Independent* in the following terms:

> It has taken a sheila from down-under to make one of the Americana albums of the year.

Meanwhile, on 13 September last year, the *Sydney Morning Herald*'s contemporary music critic wrote:

> Kasey is the finest country singer this country has ever produced. She is so far ahead of the competition that listening to her, particularly on a song like *Not Pretty Enough*, is a bit like watching a racehorse compete with a herd of Shetland ponies.

I suspect that I am not entirely qualified to make similar comments, because I must acknowledge that I am also a fan of the other great South Australian country music songwriter and singer, Beccy Cole.

My interest, however, in moving this motion is to ask the Legislative Council to applaud Kasey Chambers' remarkable career to date, particularly her success earlier this week in winning the APRA award of songwriter of the year. I also want to make the point strenuously that it is critically important for Australian culture to identify now and in the longer term that federal and state governments must continue to provide the overall environment and particular circumstances that ensure that our own stories—not American stories, not UK stories, but our own Australian stories—continue to be told and celebrated by our own writers, whether they be in the field of film, multimedia, books, plays, poetry or song.

We cannot allow economic globalisation to become cultural globalisation with American culture running rampant on our airwaves, through our cinemas, theatres or book shops. Equally we must be diligent as a community to ensure that not only do we allow plenty of opportunity for live music to be performed in this state and across the nation but also the performance far and wide of live local—and I emphasise 'local'—music in venues and on our radio networks. Ultimately, singer-songwriter stars like Kasey Chambers will not emerge, let alone star, without a concentrated focus—

The PRESIDENT: Order! There is too much audible conversation—I am having trouble hearing the member.

The Hon. DIANA LAIDLAW: —by commonwealth, state and local governments on the need for our songwriters, musicians and singers to be heard. Finally, I trust this motion will gain the unanimous support of all members of the Legislative Council and that our collective congratulations can be forwarded forthwith to Kasey Chambers and her family on her latest success and on her extraordinary career to date, together with our best wishes for her future success as a South Australian born songwriter and singer.

The Hon. A.J. REDFORD secured the adjournment of the debate.

MACLEOD'S DAUGHTERS

Adjourned debate on motion of Hon. Diana Laidlaw (resumed on motion).

(Continued from page 330.)

The Hon. R.D. LAWSON: When introducing this motion on behalf of the Hon. Diana Laidlaw I supported the sentiments expressed in it. I omitted to mention that *MacLeod's Daughters* was shot on Kingsford, the former homestead of the Fotheringham family, which I visited as a young man and of which I have pleasant memories. The motion might be improved by not only the commendation for the contribution made to employment for our artists and economic and tourism benefits but also for the tremendous enjoyment and edification that *MacLeod's Daughters* provides to thousands of Australians and people beyond these shores. I look forward to the contribution of the Hon. Diana Laidlaw, who has been a champion of film and television production in this state.

The Hon. DIANA LAIDLAW secured the adjournment of the debate.

SUPPLY BILL

Adjourned debate on second reading.

(Continued from 4 June. Page 315.)

The Hon. J.S.L. DAWKINS: In rising to support the bill tonight I refer to the state local government partnerships program, which involved the office of local government and other state agencies, as well as the Local Government Association and many of the players within local government in this state. The program was set up in the year 2000 as the third tier of the local government reforms put in place by the previous government, and the program followed the earlier amalgamation process in local government and later the development of the new Local Government Act.

Late in the year 2000 a state local government partnerships forum was established as the key group to lead the work of the program, and there was also a steering group of public servants who came from a range of agencies and worked behind the scenes to ensure that much of the program was effected. The membership of the forum was led by the then minister of local government, Hon. Dorothy Kotz, and key members included the then Local Government Association President and now Past President, Mayor Brian Hurn, of the Barossa council, the current LGA President, Mayor Johanna McLuskey of the Port Adelaide Enfield council and Mayor Joy Baluch of the City of Port Augusta, other local government and state government officers, myself and the member for Waite in another place.

I will run through some of the projects included in the state local government partnerships program. The first I will refer to is the signing off by the then state government of a memorandum of understanding and a statement of intent under the auspices of the partnerships program with two regional local government associations. The signing paved the way for the development of partnership agreements between the government and the Murray and Mallee Local Government Association and the South-East Local Government Association. The regional partnership agreement was aimed at ultimately achieving improved cooperation, more effective working relationships and joint action by state

government and councils within those regions to advance social, economic and environmental priorities.

A negotiating team was established to report back to the regions and the government with a project plan that was to include the nature of proposed activities. The two agreements were seen as pilots for a process that could be extended to other regions in due course. The partnership agreement was designed to assist regional areas of this state to build on an improved economic climate through a range of measures that would see improved conditions and ultimately deliver greater economic growth, job creation and improved community facilities and services. One of the initiatives of the partnerships program that I think has already provided a real benefit for local communities was the roads infrastructure database project. This database will assist councils, the state government and the Local Government Grants Commission in making funding decisions relating to expenditure on local roads. The project will also, in my view, provide valuable road data to government for other purposes, such as transport planning, development and related infrastructure needs.

I turn now to the regional work force accommodation solutions study, which I raised in question time today by way of a supplementary question. I think there is some doubt about the status of this study. As you would well know, sir, many areas of our state are experiencing rapid economic and employment growth, but the supply of adequate housing stock has not kept up with the demand. The regional work force accommodation study was set up to help regional communities find solutions to work force accommodation shortages.

Under this project, best practice examples in which local government has taken a leadership role to develop work force housing in those areas where demand is outpacing supply have been explored. I suppose a follow-up from that initial work was the identification of ways of attracting private sector involvement, the style and type of work force accommodation options and also innovative solutions to overcome the impediments to regional economic and employment growth caused by insufficient housing.

This issue of workplace accommodation shortages was one of the first raised with the regional development issues group which I chaired. That issues group had senior officer representatives from all of the then government's portfolios, and they worked quite strongly in cooperation with the Office of Local Government and other bodies in developing—

Members interjecting:

The PRESIDENT: Order! There is too much audible conversation. It is very distracting for the speaker.

The Hon. J.S.L. DAWKINS: —this project through the state-local government partnerships program. The study, I think, has been supported by a number of country councils and a range of government agencies, including the Office of Regional Development, the Office of Local Government and the Department of Premier and Cabinet.

I wish to refer to a further project that came under the state-local government partnerships program, and that is the Local Government Aboriginal and Torres Strait Islander Elections and Voting project. That project responded to a continuing lack of awareness of voting rights and the apparent still low levels of voter turnout by indigenous people at council elections. In South Australia there were eight Aboriginal and Torres Strait Islander candidates in the 1995 council elections, a record 14 in 1997 with one successful candidate, and two candidates in the 2000 local government elections. Currently, there are no known South Australian council-elected members of Aboriginal and Torres Strait Islander descent.

The $25 000 worth of funding for the project was secured from the commonwealth's local government incentive program as a result of a joint submission by the Office of Local Government and the Local Government Association of South Australia, and that submission was developed in consultation with the Division of State Aboriginal Affairs. The then state government, through the Office of Local Government, contributed $10 000 towards this project, taking the total funding allocation to $35 000. Material which will result from this project will be distributed to councils and Aboriginal organisations in advance of the next local government general elections due in May 2002, at a time when elections are again on the council agenda.

The state-local government partnerships forum and my membership of it also highlighted some of the existing examples of both levels of government working well together. One of these which readily comes to mind is the extraordinarily successful campaign against locusts some 18 months ago. This campaign featured excellent cooperation between PIRSA, the animal and plant control boards and local councils, along with land-holders and private companies such as AusBulk. I also experienced the benefits of local government representation through the Local Government Association and the Office of Local Government on the regional development issues group, and also in relation to the regional coordination trial which was conducted in the Riverland by the previous government.

On 22 March this year I was present, as were you, Mr President, at the Local Government Association luncheon when the new Minister for Local Government announced the establishment of a local government forum. I am yet to hear of any progress in relation to the establishment or membership of this forum. I am also not aware of the progress of the projects which were put forward under the state-local government partnerships program. As we heard in this place today, it would seem that the status of the work force accommodation solutions study as one of those projects is most unclear. I am pleased to support the Supply Bill.

The PRESIDENT: I am sure the point you were making is that the sum of $26 million to the Public Service will go a long way to achieving those goals, in line with the objects of the bill.

The Hon. CAROLINE SCHAEFER: I rise to support the second reading of the Supply Bill. This bill is a device for government to ensure that public servants can continue to be paid and that public services can continue to be delivered from the period 1 July—that is, the new financial year—through until the Appropriation Bill is finally considered and processed by the parliament. Given that the budget will not be delivered in this council until 11 July, appropriation may well be delayed until as late as October or November this year.

This Supply Bill gives parliamentary authority to the government of the day to continue delivering services in terms of public expenditure. The government is entitled to continue delivering those services in accordance with generally approved priorities, that is, the priorities of the past 12 months, until the time an appropriation bill is passed and the priorities change according to those of the new government.

With regard to the changing of priorities at the next budget, I am very concerned that this new government has

already confirmed that it will not honour several of the key policy positions it took prior to the election, particularly in relation to primary industries expenditure, and also in relation to the post-election compact made with the Speaker in another place in order to secure the numbers to win government.

There is not the time to speak on this at length in this debate, but I will be very watchful of funds allocated in the Appropriation Bill to implement the irresponsible promises made to the Hon. Peter Lewis, particularly concerning the blanket fumigation of branched broomrape using the defoliant methyl bromide which, as I have stated previously, is a greenhouse gas. The compact promised to fumigate—not to eradicate in any other way, not to quarantine, and not to look at other measures, but to fumigate—5 825 hectares, totally eradicating branched broomrape in that area at a cost of approximately $8 000 per hectare. One wonders, in the appropriation in the next budget, where that money will be taken from—if, indeed, such money is to be allocated. If it is not, the government has broken its compact with the Speaker.

I have repeatedly voiced my concern in relation to the post-election Labor promise to the Hon. Peter Lewis in relation to the river fisheries. Some 30 commercial river fishermen have already heard the news that they will be driven out of business without demonstrated justification, at a compensation cost to the taxpayer that is yet to be disclosed, either to the fishermen or to the taxpayer. But whatever the cost, it is not in the current budget and, in spite of the minister's claim to the contrary, I do not recall its being in forward estimates.

One pre-election commitment that has, in fact, been honoured by the government is the restructuring of the sustainable resources group from primary industries into the environmental portfolio. I assume that the necessary provisions have been made to transfer the funding for the services that this group provides—programs that include land care, marine habitat, animal and plant control, soil conservation, revegetation, salinity management, irrigation and water management, pastoralism, dog fence control and community capacity building. The sustainable resources group, which was in primary industries, is directly responsible for such major initiatives as the South-East Dry Land Salinity Project; the upgrade of the Lower Murray swamps (and, again, a huge amount will need to be allocated or, indeed, supplied if the compact promise on the Lower Murray swamps is to be kept); the FarmBis leadership and managerial courses; and the control of animal and plant diseases and pests such as OJD, BJD and branched broomrape.

These programs rely on massive on-ground support from the communities in which they take place. Hundreds, if not thousands, of people give thousands of voluntary hours to projects and initiatives such as those I have mentioned. I understand that the restructuring of these programs into the new Department of Water, Land and Biodiversity took place with little or no consultation with the people or boards involved in these projects. I hope that this lack of regard for them does not in some way impact on the voluntary support they provide—support which is essential in order for these programs to continue, but which must be accompanied by some government finances.

Of further concern is minister Hill's major restructure into the Resource Management Council, which was announced in another place yesterday. I have yet to hear the details, but part of the Hon. Mr Hill's announcement yesterday talked about the council integrating existing natural resource management institutional arrangements, which will provide alleviation of land use conflicts, more efficient management of inter-catchment issues, better access to expertise and a reduction of redundancies and overlap. It will facilitate integration of the existing range of regional resource management boards, and new overarching regional boards will be formed around water catchment area boundaries. I wonder if this is code for dissolving a number of the very effective councils and boards that are in place.

He talks of the council consisting of representatives from the Native Vegetation Council, the Soil Conservation Council, the Water Resources Council, the Environment Protection Authority, the Animal Plant Control Commission, the National Parks and Wildlife Council, Aboriginal land-holding bodies, Landcare associations of South Australia, the Local Government Association, the South Australian Farmers Federation and the Conservation Council. Again, I wonder whether this is, in fact, a code for either dissolving the highly effective structure which is there or creating yet another level of bureaucracy over and above the structure which is there. And I wonder where the supply for that funding will come from. I must, however, congratulate the government on the appointment of Mr Dennis Mutton as chairperson of this new super council. I would argue the necessity to create it, but if there is one person in South Australia who has the ability to manage it, it is certainly Mr Mutton.

We see in the Supply Bill very large provisioning to continue the operation of public services. I endorse the shadow treasurer's comments yesterday in his Supply Bill address regarding the significance of the state of the South Australian economy and the way in which it impacts on the budgetary process, be it at supply or appropriation stage. I am pleased that the previous government left a healthy, growing economy. The respected South Australian Centre of Economic Studies in its regular briefing has highlighted booming exports, strong growth in building activity and consumer spending and proposed growth in business capital investment.

Access Economics last year described South Australia's recent economic performance as an 'untold success story'. ABS figures show that, over the last three years, export growth from South Australian businesses has outstripped all other states. All this has resulted in growing revenue receipts coming into the state budget. As a member of the former Liberal government, I am proud of what we achieved in our eight years in government. Of course, our economy will continue to be challenged because of our geographical position and our population and, indeed, some of our climatic difficulties. But the fact is that we leave a significantly improved South Australian economy compared to that which we inherited from the Labor government in the early 1990s. In addressing the bill and the appropriation of some $2 600 million from consolidated revenue for the public services of the state, the state of South Australia and the economy left by the previous Liberal government means that the Labor government should have an easy task with both this Supply Bill and the ensuing appropriation budget—certainly easier in comparison with the accumulated state debt of about $10 billion, by today's terms, which the Liberal government had to deal with just eight years ago. I support the second reading of the Supply Bill.

The Hon. R.K. SNEATH: Mr President, $2.6 billion is a lot of money. I would like to touch on the racing industry and the ex-government owned TAB, which employed a lot of people in the public service and made a large contribution to state revenue before it was sold. The South Australian

TAB was told for $43.5 million. The cost of the sale, including one-off payments to the codes, TAB staff redundancies, excess fees from TABCorp, consultancy fees, etc., was approximately $48 million. If we add to this the reduction in wagering tax to be received by the state under the new ownership arrangements, the first year's loss from the sale will be in excess of $10 million—$10 million lost to state revenue.

A full net present value analysis of the impact of the sale conservatively estimates the cost to the government at over $54 million. The sale also included an arrangement whereby the government provided a guarantee to the new owners of the TAB that, if the fixed product payable to the racing codes over the first 2½ years after the sale could not be met from the TAB's net wagering revenue, the difference would be paid by the government, costing more out of revenue and decreasing, perhaps, the potential to continue to have supply of $2.6 billion. The amount of this is $6 million per annum over a 2½ year period—a maximum liability for the taxpayer of $15 million. The guarantee was agreed to on the basis that TAB Queensland increase its offer to purchase the TAB by $13.5 million, from $30 million to $43.5 million. The terms of the sale also provide that the codes must repay a total of $34 million out of future revenue payments, being $2 million per annum for 2004-05 and 2005-06, and $3 million per annum for 2006-16.

I am advised that this will mean that the upfront payments will be clawed back over the next 14 years. This will create a very real test for the controlling authorities in terms of their medium to long-term budgetary situations, as those repayment obligations will commence at a time when they will revert to receiving product fee payments from the TAB based on the net wagering revenue or turnover performance rather than the fixed and indexed product fee payments that are to be received in the first three years post-sale.

Punters would have noted other impacts arising from the sale of the TAB, such as the loss of local TAB radio which has been replaced by the broadcast service out of Queensland. This sale has had a big effect on the bush with the consequent reduction in local racing industry content and the demise of *TABForm* from the end of this month. This was a disgraceful decision that will affect the racing codes for years to come, and it will also affect state revenue badly. Any government that sells a business for only as much as it would bring to the taxpayers from a year's income should rethink what it has done. I wanted to touch on this issue because it will affect supply for years to come. I support the bill.

The Hon. T.G. ROBERTS secured the adjournment of the debate.

ADJOURNMENT

At 9.33 p.m. the council adjourned until Thursday 6 June at 2.15 p.m.