

## LEGISLATIVE COUNCIL

Tuesday 29 April 2003

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

### ELECTRICITY (PRICING ORDER) AMENDMENT BILL

Her Excellency the Governor, by message, assented to the bill.

### PAPERS TABLED

The following papers were laid on the table:

By the Minister for Agriculture, Food and Fisheries (Hon. P. Holloway)—

Reports—

Children's Services—2000-2001

Department of Education, Training and Employment—2001

Department of Education and Children's Services—2002

Teachers Registration Board of South Australia—2002

Regulations under the following Acts—

Fisheries Act 1982—Marine Scalefish

Parliamentary Superannuation Act 1974—Prescribed Offices

Southern State Superannuation Act 1994—Enterprise Agreements

Superannuation Act 1988—Enterprise Agreements

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

Reports, 2001-2002—

South Australian Council of Reproductive Technology Vocational Education, Employment and Training Board 2002

Regulations under the following Acts—

Controlled Substances Act 1984—New Prohibited Substances

Liquor Licensing Act 1997—Dry Areas—City of Onkaparinga

Local Government Act 1999—Superannuation Scheme—Payment

Metropolitan Adelaide Road Widening Plan Act 1972—Application for Consent

Occupational Therapists Act 1974—Fees

Recreational Services (Limitation of Liability) Act 2002—Code Requirements

Shop Trading Hours Act 1977—Hardware and Building Materials

Rules of Court—

Supreme Court—Supreme Court Act 1935—Format Change

Classification of Films and Computer Games Guidelines

Environment Protection Act 1993—Environment Protection (Water Quality) Policy 2003.

## QUESTION TIME

### STATE BUDGET

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the minister representing the Treasurer a question on the subject of the state budget.

Leave granted.

The Hon. R.I. LUCAS: Readers of the morning newspaper, the *Advertiser*, would have been interested to see the front page headline and the story where the *Advertiser*

revealed an extra \$500 million in revenue income for Treasurer Foley and the state government in this budget and in the forward estimates for the next three budgets. Certainly the opposition commends the *Advertiser* for the work it did to reveal that to members of caucus and to anyone else who follows these issues. In the last week there has been the release of the consumer price index figures for all states and the national figure as well. In relation to the consumer price index change for Adelaide, the 2003 March quarter as compared with the 2002 March quarter indicated an increase in the CPI of 5 per cent. I note that the mid-year budget review document includes an estimate for the year 2002-03 for CPI of 3.25 per cent, almost 2 per cent less than the CPI increase recorded for the period from March quarter 2002 to March quarter 2003. My questions to the Treasurer are:

1. Will the increase in the level of recorded inflation in Adelaide result in any increase in revenue under Commonwealth Grants Commission arrangements over and above that already factored into the budget and the forward estimates? That is, the current Commonwealth Grants Commission arrangements do take into account a number of variables, one of which is the estimated inflation rate.

2. Will the fact that the actual inflation rate is above the estimated inflation rate by a significant amount result in any further increase in budget revenue flowing into Treasurer Foley's accounts as a result of the new inflation figures?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the leader for his question and will refer it to the Treasurer for a detailed reply. However, I should point out that, while the former treasurer, the Leader of the Opposition, has made some comment about the supposed \$500 million additional revenue over the next four years, it would be worth reminding the council of the projected outcomes for the budget over the four-year period as stated just prior to the last election under the parameters set by the previous government.

When one looks in accrual terms, one certainly sees significant deficits over that four year period. One of the challenges this government has set for itself is accrual balance over the term of the government, and that is an extremely important objective. When we reach a long-term, stable accrual balance that will mean that future generations will no longer have to pay for the current generation, because we will be self providing. That is the essential message of an accrual balance. That is what this government is seeking to achieve, and it will be a very significant objective.

*The Hon. A.J. Redford interjecting:*

The Hon. P. HOLLOWAY: If the honourable member wants to continue the debate perhaps we could talk about WorkCover and why we have a problem there. Before the last election as an election stunt the Liberal government dropped the WorkCover rate from 2.8 to 2.4 per cent—before an election. They took \$135 million; what an irresponsible, economically incompetent government the Liberal Party was! It was economically incompetent. So, what this government has done—

*Members interjecting:*

The PRESIDENT: Order! Members of Her Majesty's Loyal Opposition and the Hon. Mr Sneath will come to order.

*Members interjecting:*

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: What this government has done on a number of fronts, including WorkCover and the general financial outcome of the budget, is to restore some long-term fiscal stability to the economics of this state. No

wonder members opposite would want to create some diversions in relation to that. The Leader of the Opposition also referred to the CPI. Why have we just had such a significant increase in the CPI? There is one significant factor: it is electricity prices. That is why; we have just had a huge increase in electricity prices and everyone in this parliament and the public outside this parliament know exactly the reason why we have had those big increases.

#### DIRECTOR OF PUBLIC PROSECUTIONS, STAFF

**The Hon. R.D. LAWSON:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question about the staffing of the DPP's office.

Leave granted.

**The Hon. R.D. LAWSON:** The opposition has received information concerning a serious staffing crisis in the Office of the Director of Public Prosecutions. Last year during the estimates hearings the Attorney-General stated that the sum of \$800 000 was being cut from community crime prevention and that the principal reason for this cut was to allow for the funding of additional staff in the Office of the Director of Public Prosecutions to address a large increase in workload. At that time the Attorney said that there was an increased workload on the Office of the Director of Public Prosecutions and a serious backlog of cases. He said that there was funding in the budget for the DPP to try to overcome that backlog. He further said that the government had to make a choice between funding local government crime prevention or funding additional staff in the Office of the Director of Public Prosecutions. Information received by the opposition indicates that there is a serious level of under-staffing in the Office of the DPP. Staff members are being required to work extended overtime over the weekends and on public holidays. My questions are:

1. Does the Attorney acknowledge that there is a serious level of under-staffing in the Office of the Director of Public Prosecutions?
2. Has any additional funding been allocated to the Office of Director of Public Prosecutions since 1 July 2002 and, if so, what is it?
3. Will the Attorney confirm that nine officers have left the office in the past year and six have been appointed, thereby leading to a diminution in staff numbers of three?
4. What number of staff, expressed in full-time equivalents, have been appointed to the Office of Public Prosecutions since 1 July 2002?
5. What number of staff—again, expressed in full-time equivalents—have left the office over the same period?
6. What was the backlog of cases to which the Attorney referred in his answers in estimates as at 30 June 2002?
7. What was the backlog of such cases as at 31 December 2002 for which figures are available?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those important questions to the minister in another place and bring back a reply.

**The Hon. J.F. STEFANI:** As a supplementary question, will the minister report to the council how many cases in the Magistrates Court have been adjourned or aborted as a result of the lack of staff in the police prosecutions department and give details of each case?

**The Hon. T.G. ROBERTS:** I will refer those two difficult questions to the minister in another place and bring back a reply.

#### PAN PHARMACEUTICALS

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I lay on the table a copy of a ministerial statement on the recall of Pan Pharmaceutical products made earlier today in another place by my colleague the Minister for Health.

#### ECONOMIC GROWTH SUMMIT

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I lay on the table a copy of a ministerial statement on the Economic Growth Summit made earlier today in another place by the Premier.

#### NATIONAL LIVESTOCK IDENTIFICATION SCHEME

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the National Livestock Identification Scheme (NLIS) for cattle.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** Over six million tags have been purchased for use by Australian beef producers under the National Livestock Identification Scheme. The scheme intends to provide for the efficient and accurate lifelong identification of cattle with obvious benefits to the industry in respect of quality control, disease prevention and market protection for the cattle industry. I am sure that those of us who followed the BSE outbreak in the British Isles in particular and in Europe were alarmed to find that no such identification scheme exists in those places.

However, as I understand it, only about 170 000 of the total tags purchased in Australia have been purchased by South Australian producers, and more than 130 000 of those have been used by producers wishing to satisfy EU accreditation. At this stage, the South Australian government has committed \$100 000 per year for three years towards the NLIS. It was reported in the *Stock Journal* that the majority of these funds are expected to be directed towards infrastructure and demonstration sites. It was agreed at the Primary Industries Ministerial Council meeting of 10 April that all states would aim for full implementation of the NLIS by 1 July 2004. My questions are:

1. What chance does the minister have of complying with his agreement with the ministers of other states and therefore introducing a National Livestock Identification Scheme in this state by July next year?
2. Will the minister be making the NLIS compulsory for some or all cattle producers and, if so, will the government provide any financial assistance to producers to fund the purchase of these electronic tags?
3. Does the minister intend to undertake an economic impact statement into the effect of making the NLIS compulsory for cattle producers?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** The question of the National Livestock Identification Scheme is a very important one. The shadow minister is quite correct in saying that national livestock identification will become extremely important if this country

and this state, in particular, are to continue to have access to overseas markets. As was demonstrated during Operation Minotaur last year, which was our exercise on what would happen if there were a foot and mouth or some other serious animal health outbreak here, livestock identification is an important measure in dealing with and minimising the impact of any such outbreak.

As the honourable member mentioned, some agreement was reached in relation to the cattle part of livestock identification at the recent Primary Industries Ministerial Council. The government regards this as important and, as the honourable member pointed out in her question, some money will be devoted over the next few years to providing infrastructure for livestock identification. However, a significant burden will fall on the industry. The government is currently having discussions with the industry and it will be part of budget discussions in relation to the measures that we ultimately might take to assist the industry in meeting those requirements. At this stage, I cannot say any more than that, but we are looking at the measures very seriously and I hope that I will be in a position to make some announcement in relation to that in the fairly near future.

**The Hon. CAROLINE SCHAEFER:** I have a supplementary question. Will the minister undertake to do an economic impact study into the effect of making the NLIS compulsory for cattle producers, yes or no?

**The Hon. P. HOLLOWAY:** Some study has been under way in relation to this, which is the undertaking that I have given to the industry. I am not sure whether that work has been completed but work has been under way for some time in looking at the economic impact of this change because it will have significant implications for the industry. It would be fair to say that, amongst members of the cattle industry, there is recognition that it is in the industry's best interests to comply, but there are significant costs that run into many millions for that industry in complying with national livestock identification. The industry wishes to be made aware of those economic costs and benefits. Some work has been undertaken and I will provide a status report on that work to the honourable member as soon as possible.

### SEAGAS PIPELINE

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question regarding the SEAGas pipeline.

Leave granted.

**The Hon. CARMEL ZOLLO:** Late last year construction commenced on the SEAGas pipeline between Victoria and Adelaide. It is expected that the pipeline will lead to greater stability in the state's power generation, as well as providing more gas for the state's economic development. Given that this pipeline is of great importance to the economic future of South Australia, can the minister advise on its progress?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development):** The SEAGas pipeline from western Victoria to Adelaide is progressing well, and there is every reason to believe that gas will be flowing through the pipeline to customers by 1 January 2004. On completion, this pipeline and the gas fields and processing plants, together with the existing facilities associated with the Cooper Basin, will provide South Australia with a secure supply of gas well

into the future. With the completion of the pipeline later this year, South Australia will have the capacity to withstand both long-term and short-term interruptions in gas supply to a much greater degree than in the past. South Australia is assured of gas supplies at terms competitive with those available in other south-eastern Australian states.

South Australia is on the central hub of gas supply in south-eastern Australia. These strategic objectives have been achieved without placing any state moneys at risk through investment and without subsidising commercial activity. The companies concerned have taken advantage of the more competitive gas markets to provide South Australian consumers with better access to new gas supplies. The government and state regulatory and planning agencies have demonstrated with this project that in South Australia development meeting community standards for social and environmental outcomes can be achieved within the timing requirements needed for commercial imperatives. In short, the pipeline is progressing well and we look forward to its completion and the very positive implications for this state by the end of this year.

### BAXTER DETENTION CENTRE

**The Hon. KATE REYNOLDS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about children at risk at the Baxter Detention Centre.

Leave granted.

**The Hon. KATE REYNOLDS:** I have concerns about the physical and mental health of children and young people as a result of being detained at the Port Augusta facility. There are 42 children at the detention centre whose families are either currently awaiting the outcome of applications for temporary protection visas or are unable to return home. While there are playground facilities inside each compound at the centre, this piece of equipment is suitable for use only by very young children. There is nothing suitable for older children, apart from one extremely basic gym facility with limited access. Not all children and young people are able to attend school in Port Augusta and few appropriate and stimulating recreation programs or activities exist.

The report of Robyn Layton QC 'Our Best Investment' highlights that the United Nations High Commission for Refugees has determined that 'due to the hardship involved with detention, it should normally be avoided'. The UN High Commission for Refugees and the Convention on the Rights of the Child indicate that children should be detained only as a measure of last resort and for the shortest possible time. In fact, the government's own Layton report states:

The inherent character of their detention in a centre for an indeterminate period of time places children at significant risk of abuse or neglect.

The report goes on to say:

The effect of detention. . . is so devastating to the well-being and development of children and will have such lasting consequences during their lifetimes, which may in fact be spent in Australia, the state government has a responsibility to take a strong position on this issue.

My questions are:

1. Has the government acted on the recommendations in chapter 22 of the Layton report?
2. Has the government sought a detailed legal opinion on the extent of the applicability of the state's Child Protection

Act 1993 to children and their families in detention, as it relates to the commonwealth Migration Act 1958? If not, why not?

3. Has the government made attempts to negotiate an urgent agreement or legislative amendment with the federal government to commit an independent body to monitor the conditions in the detention centre and publicly report? If not, why not?

4. Has the government made attempts to negotiate an urgent agreement or legislative amendment with the federal government which specifically gives power to the state to intervene and remove children at risk, and their families, from detention if it is in the best interests of the child? If not, why not?

5. What action is being taken by the government to ensure that all children and young people detained at Baxter are able to exercise their right to full opportunity for play and recreation?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will take those important questions on notice and refer them to the appropriate minister, Minister Key, in another place and bring back a reply.

#### GAMBLERS' REHABILITATION

**The Hon. NICK XENOPHON:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about the Gamblers' Rehabilitation Fund (GRF) and Break Even services.

Leave granted.

**The Hon. NICK XENOPHON:** Discussions I have had recently with gambling counsellors who are part of the Break Even Network, as well as inquiries made by my office, indicate the following waiting times for problem gamblers seeking assistance. One city agency advised that there was a one-week waiting time for emergencies and three weeks for an evening appointment. Another city agency advised of a two-week wait for a daytime appointment and two to three weeks for an evening appointment, with no capacity to deal with cases requiring urgent attention. A third agency that provides services in the northern suburbs indicated a one to two-week wait for a daytime appointment and four weeks for an evening appointment. All agencies indicated that staff on holidays are not replaced due to a lack of resources, which compounds the difficulties with waiting times, as I understand it.

I understand that a new advertising campaign is planned by the government for Break Even services later this year based on a Victorian advertising campaign, and I believe that in that state there was a doubling of inquiries from individuals seeking help. Counsellors in South Australia are concerned that, once such an advertising campaign commences, they simply will not be able to cope with the additional demands, given their current resources.

Given the approximately \$5 million a week in poker machine taxes that the government obtains, including the \$39 million component from the super tax announced in last year's budget, and that the vast majority of clients counselled and treated are there because of a gambling problem due to poker machines, my questions are:

1. Does the minister consider that the waiting times referred to are acceptable? If not, what does she consider to be a reasonable waiting time, particularly for urgent cases?

2. Given that all three agencies referred to did not have the resources to replace staff on leave, will the minister indicate whether there are plans to provide such resources and rectify this situation?

3. How much funding is actually provided through the GRF for face-to-face counselling services as a proportion of its total budget in the current financial year? In terms of the GRF's overall funding, how much of that is spent on other matters, such as education, research and training?

4. Does the minister concede that Break Even services are ill equipped in terms of resources to deal with the additional requests for assistance that are inevitable once an advertising campaign commences? Are there plans to increase funding for resources for counselling, especially face-to-face counselling, prior to the commencement of the advertising campaign referred to?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those important questions to the Minister for Social Justice in another place and bring back a reply.

#### PLAYFORD CENTRE

**The Hon. DIANA LAIDLAW:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Treasurer, a question about the Playford Centre.

Leave granted.

**The Hon. DIANA LAIDLAW:** Following the government's casual disregard for the demise of Ngapartji IT centre and internet cafe, I was pleased to note comments by the Minister for Science and Information Economy (Hon. Dr Lomax-Smith) in the other place on 1 April about the Playford Centre, and I trust that it was not an April Fool's joke.

The minister related that a recent independent evaluation by the Allen Consulting Group had found that the federal government BITS (Building on IT Strengths) program had identified that the Playford Centre in South Australia had outperformed BITS incubators in Sydney and Melbourne. Overall, the Playford Centre was commended for its proactive and effective efforts to attract valuable venture capital investment into South Australia and recently had passed the \$12 million mark as an investment magnet. My questions are:

1. Does the Treasurer share the enthusiasm of the Minister for Science and Information Economy for the success of the Playford Centre in terms of generating venture capital to assist in setting up IT businesses in South Australia and on the centre's operations overall?

2. Is he aware that it has proved possible for the centre to attract equity deals only over the past two years once the centre was able to convince investors that it was a credible enterprise that was here for the long term and that it had a future; and that such deals will ultimately help the centre cover all its administration and overhead costs?

3. Is it correct that further federal government funding of the Playford Centre (I understand some \$6 million dollars remains available for this investment purpose) is conditional on the state government's continuing to invest \$1.3 million per annum to support the administration and overhead costs at the centre?

4. Will the Treasurer guarantee that the state budget forward funding estimates for 2003-04 and beyond incorporate the required levels of funding to attract the federal funding on offer and generally to support the Playford

Centre's administration and overheads, until such time as the centre can generate the equity to be self sufficient and, if not, why not?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I believe that the latter of those questions would be addressed more appropriately to the responsible minister, my colleague the Minister for Science, and I will refer them to her. In relation to the first question, the issue of venture capital was raised during the recent economic summit and I am sure that the Treasurer would be well aware of the importance of having a greater level of access to venture capital within our community. I will obtain a reply for the honourable member.

#### NATIONAL PARKS AND WILDLIFE SERVICE

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister Assisting the Minister for Environment and Conservation a question relating to the National Parks and Wildlife Service.

Leave granted.

**The Hon. J.S.L. DAWKINS:** Most members of this place would be aware of the role of the National Parks and Wildlife Service within the department of environment and conservation. Like me, I am sure that many members have come into contact with staff of the National Parks and Wildlife Service, particularly the rangers based in the wide variety of parks across the state. I have also had some contact with the community liaison unit of the service. This unit has provided excellent backup and support, along with regionally based rangers, for the large number of friends of parks groups around South Australia. This network of groups, established as a world first in 1982, consists totally of volunteers who have a passion for our parks. The support for these groups from the NPWS staff has extended to assisting with the running of the annual Friends of Parks Forum, which attracts around 300 people to the regional communities that host these events.

I understand that in recent times the National Parks and Wildlife Service has ceased to exist as an entity within the department of environment and conservation. Apparently, the former NPWS has been split up into seven divisions of the department, each under a different director. This decision has resulted in a large degree of concern amongst volunteers and landholders who previously had a good working relationship with the National Parks and Wildlife Service. My questions are:

1. Why has the NPWS been disbanded as a separate agency within the department of environment and conservation?

2. Will the minister take action to ensure that the management of the many widely varying parks is not treated as a lower priority than it has been under the NPWS?

3. Will the minister also take action to ensure that friends of parks groups continue to receive the backup and support that has existed for the past two decades?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for his questions, many of which I will have to refer to the Minister for Environment in another place and bring back a reply. Friends of parks are a valuable team of locally-based people who have a lot of local knowledge about the environment in which they live, and that information is important in feeding into the National Parks and Wildlife Service programs and certainly in assisting National Parks and Wildlife officers in managing parks because, if governments had to

rely on paid staff only, I am sure the parks would be left in a perilous state. Volunteers do a lot of work inside national parks in providing infrastructure support, putting up signposts and doing a lot of manual work which, if governments had to pay for, would break Treasury. I am sure that on both sides of the chamber we would all recognise that the amount of hours put in by the friends is a valuable contribution. I will refer those important questions to the minister in another place and bring back a reply.

#### COMMUNITY SERVICE

**The Hon. R.K. SNEATH:** I seek leave to make a brief statement before asking the Minister for Correctional Services a question about community service schemes.

Leave granted.

**The Hon. R.K. SNEATH:** I have listened with interest to the Minister for Correctional Services outlining to this council the various ways that people undertaking community service orders provide a benefit to the community. Such orders provide a tangible benefit to the South Australian community in addition to providing an avenue for offenders to repay their debt to society. I read with interest a recent article in the *Victor Harbor Times* that outlined the involvement of local community groups in community service programs in the south coast area. Given the minister's keen interest in this area, will he outline some of the community service programs in the Victor Harbor region that are providing a benefit to the community and how various local organisations play a role in providing worthwhile work for community service offenders?

**The Hon. T.G. ROBERTS (Minister for Correctional Services):** I thank the honourable member for his important question, his continuing interest in community service orders in correctional services and the interest he takes in monitoring the regional press around such issues. The *Victor Harbor Times* is widely read and widely respected. I recently had the opportunity to visit Victor Harbor to meet with representatives of local organisations who have been participating in community service programs in the south coast area. Like the friends of the parks, these local organisations play an important role in finding valuable work for community service offenders. There is a growing use of correctional services for working in a wide range of areas identified by communities as necessary but which in a lot of cases community organisations are unable to fund. In correctional services we can play some role in providing that manpower or staffing input.

Some important programs that have been undertaken include the restoration of the creek line at Middleton Creek, which I inspected at the time and had a look at some of the work that was being done and that needed to be done. Certainly local councils would struggle with ratepayer funding for much of the work that is being done by the volunteers on the south coast. Community service offenders have assisted with graffiti removal, landfill assistance and cemetery and recreational reserve maintenance for the District Council of Yankalilla. They have also assisted in woodwork painting and the making of furniture and small items for people who are in need and who cannot afford the costs of additional aids for children, such as toys and other things.

Other community service involvement has included grounds and building maintenance for the Southern Agricultural Society and the grounds maintenance and restoring

and sorting of recyclables for the Goolwa Waste Management and Recycling Depot, and they have participated in the Goolwa Tidy Towns group. Kingston Council and Kingscote area schools are also involved in projects using the important assistance that has been offered.

These are only some of the local organisations that are involved in community service in the Victor Harbor area. I met with representatives from these and other organisations and presented them with certificates in recognition of the valuable contributions they have made in finding meaningful work for community service offenders. Some of these groups have been participating in community service programs for over 10 years and, again, not only national parks but certainly correctional services are thankful for the work that volunteer organisations and communities do, particularly in regional areas, in providing work programs for offenders who use the valuable human contacts that are made in an effort to rehabilitate offenders and bring them back into society as valuable contributors before their release.

### PUBLIC TRANSPORT, ADVERTISING

**The Hon. SANDRA KANCK:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about advertising on public transport.

Leave granted.

**The Hon. SANDRA KANCK:** Last year I attended the conference for People for Public Transport, and the issue of advertising private cars on public transport vehicles was raised. People who attended that conference felt that it was inappropriate for such advertising to be on our buses in particular because cars are in direct competition for space on the road and also their promotion discourages people from using public transport. Since that time I have been keeping a bit more of an eagle eye on our buses to look at the extent of that advertising. Some of the ads are quite small but, often, whole buses are covered with advertising for cars, which are very much lifestyle advertisements. My questions to the minister are:

1. Does the Passenger Transport Board or TransAdelaide have any advertising policies or guidelines in relation to advertising and, if so, what are those policies or guidelines?

2. If there are no policies or guidelines, will the minister ensure that such policies or guidelines are developed, particularly in regard to the appropriateness of accepting advertising from competitors to public transport, such as the private car?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will take those important questions on notice and refer them to the appropriate minister (the Minister for Transport) in another place and bring back a reply.

### ROADS FUNDING

**The Hon. T.G. CAMERON:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about the deteriorating roads in South Australia.

Leave granted.

**The Hon. T.G. CAMERON:** In a recent media article the Local Government Association (LGA) warned that the condition and safety of South Australian roads have deteriorated to the point of crisis. According to the LGA, a lack of

funding to repair and upgrade crumbling metropolitan and country roads has reached a point where lives are being placed at risk. The state's 68 councils spent \$207 million last financial year to maintain roads but need \$100 million more to do the job properly. Councils receive road funding from the federal government. The state government does not provide funding to councils for local road maintenance.

*Members interjecting:*

**The Hon. T.G. CAMERON:** I will just press on, Mr President.

*Members interjecting:*

**The PRESIDENT:** Order!

**The Hon. T.G. CAMERON:** The LGA is disturbed about the unfair share of commonwealth funding received by South Australia. Compared with the rest of the country, South Australia receives less both on a per capita and per kilometre basis. Although it has 11 per cent of the national local road network, South Australia gets just 5.5 per cent of the commonwealth local road grants. The LGA claims that if South Australia were to receive its fair share of the road money our road toll would be less—our roads would be safer to drive on because local councils would be able to repair and upgrade them.

To make matters worse, the commonwealth's National Roads to Recovery funding to councils has been cut by more than 30 per cent this year, with South Australia receiving \$16.7 million—\$8 million less than expected. My questions are:

1. Will the minister explain why, with 11 per cent of the national road network, South Australia receives just 5.5 per cent of the commonwealth local road grants?

2. Considering the safety and road toll implications, will the state government, as a matter of urgency, enter into negotiations with the federal government to secure a more equitable share of funding?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for that very important question in relation to the state-commonwealth government relationship in relation to road funding. I will make sure that the questions are referred to the Minister for Transport in another place and bring back a reply.

### WORKCOVER

**The Hon. A.J. REDFORD:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Transport, a question about WorkCover and occupational health and safety.

Leave granted.

**The Hon. A.J. REDFORD:** Recently the Minister for Industrial Relations released a draft bill concerning occupational health and safety administration. One of the proposals is to shift all occupational health and safety matters out of WorkCover and back to the minister, who will call his agency 'SafeWork SA Authority'. This comes purportedly from a recommendation of the Stanley report, which I understand cost South Australian taxpayers or employers in excess of \$600 000. I note that the Stanley report indicates that one industry association is of the view that WorkCover should retain occupational health and safety responsibility, although yesterday Mr Stanley and Mr Bishop did not know which body that was, despite referring to it in their report.

The draft bill gives the minister permission to raid WorkCover funds as and when he sees fit, if he has not done

enough already with the \$384 million blow-out. It has now come to my attention that, in keeping with his family appointment policy, the minister is determined to appoint Ms Michelle Patterson as Executive Director of Workplace Services, replacing Matthew O'Callaghan, who now serves in a judicial capacity. Ms Patterson, who was a personal assistant to the minister's father some 20 years ago, has been a prominent member of the ALP for many years. I have been told through some groups that she accepted the offer conditionally upon the promise that occupational health and safety responsibility would be transferred from WorkCover to her. In light of that, my questions are:

1. Which industry association opposed the government reform proposal or the shifting of occupational health and safety from WorkCover to Ms Patterson?

2. Did the minister promise Ms Patterson, confidentially or otherwise, that she would control the occupational health and safety functions currently in WorkCover as part of her role before she was appointed in October last year?

3. Will the minister confirm that the review of occupational health and safety was a farce because he had already decided to shift occupational health and safety as part of the Patterson deal and before the completion of the Stanley review?

4. Has Ms Patterson been or is she a current member of the ALP or a trade union, and if so for how long?

5. Why did the minister not concentrate on the \$384 million blow-out in WorkCover rather than jobs for the girls?

**The PRESIDENT:** There was a great deal of opinion in that explanation, which was very long. The minister will answer the question in the way he feels appropriate.

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** Thank you, Mr President. I will refer those sometimes trivial questions and sometimes important questions to the minister in another place and bring back a reply.

#### STAMP DUTY

**The Hon. J.F. STEFANI:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, some questions regarding stamp duty rates on the transfer of residential properties.

Leave granted.

**The Hon. J.F. STEFANI:** Members would be aware that the Labor government has substantially increased stamp duty rates on the transfer of residential properties valued at more than \$200 000. Residential properties in Adelaide have all been revalued by the government Valuer-General and many properties in the metropolitan area have been revalued at more than \$200 000. My questions are:

1. Will the minister provide the exact number of residential properties exceeding the value of \$200 000 that have been sold from 1 July 2002 to 31 December 2002?

2. Can the minister inform the council how many properties were sold and were valued at \$200 000 or less during the same period?

3. Will the minister advise the council of the amount of increase in stamp duty charged and collected by the government on residential properties that were valued above \$200 000 for that six-month period?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** Certainly the last question is clearly a

matter for the Treasurer. The other two questions asked by the honourable member probably relate to the Minister for Environment and Conservation or the Minister for Administrative Services, as the case may be. I will ensure that the honourable member receives a response and bring that back as soon as I can.

#### SOUTHERN SUBURBS

**The Hon. T.J. STEPHENS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for the Southern Suburbs, a question about services.

Leave granted.

**The Hon. T.J. STEPHENS:** In the *Southern Times* dated 12 March it was reported that Onkaparinga councillors were concerned over the level of services and infrastructure such as roads, schools, drains and public transport provided to new areas in the council area. Terry Sutcliffe, Onkaparinga council's compliance manager, said that there was a lack of coordination and the blame lay at the state government level. My questions are:

1. What steps has the minister taken to approve these services?

2. Will the minister detail what steps he has personally taken both as the Minister for the Southern Suburbs and as a member for the southern suburbs?

3. Will he detail exactly the role of his department in effecting these service outcomes?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those questions to the minister in another place and bring back a reply.

#### SPEEDING OFFENCES

**The Hon. D.W. RIDGWAY:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Police, a question about speeding fine revenue.

Leave granted.

**The Hon. D.W. RIDGWAY:** On 17 February, I put a question on notice to the minister, and I thank him for his quick reply. I requested that the minister supply figures relating to speeding fine revenue collected on the following highways: the Dukes Highway between Tailem Bend and Bordertown and from Bordertown to the Victorian border; the Sturt Highway between Gawler and Renmark; the Barrier Highway between Kapunda and Broken Hill; the Eyre Highway between Port Augusta and Ceduna; and the Princess Highway between Tailem Bend and Mount Gambier. The data I received yesterday states:

The requested data in relation to speed camera detected offences has been extracted from the database systems maintained by the South Australian Police and is depicted in the attached spreadsheets. Data related to other means of detection such as laser expiations is not provided. These expiations are issued from handwritten notices which do not support statistical extraction of the data specific to highway locations requested.

My questions are:

1. Could the minister please provide figures on all other speeding fine revenue other than speed cameras collected on a regional or area basis?

2. Will the minister please explain why the laser expiations are not specific to highways?

3. Consistent with the government's policy, what road safety initiatives have been funded on the Dukes Highway,

for example, with the \$83 000 that has been collected in speed camera fines since the election of this government?

**The Hon. P. HOLLOWAY:** I will refer the first question to the Minister for Police for his response and bring it back. I believe the second question is more appropriately addressed to the Minister for Transport, but we will sort that out and bring back a reply to the honourable member.

### SPEEDOMETERS

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Transport, a question about speedometer checking.

Leave granted.

**The Hon. J.S.L. DAWKINS:** During a recent trip to Victoria, I travelled on the freeway which bypasses the city of Ballarat. The freeway incorporates a relatively new initiative of Vic Roads which allows motorists to check the accuracy of their speedometer readings. As a vehicle approaches a major bridge that passes over the freeway, prominent signage indicates to the driver that their current speed is about to be flashed on a screen on the bridge.

This initiative apparently has proved popular with Victorian drivers, providing an excellent opportunity to assess whether a speedometer is accurate or measuring high or low. I understand that this educative initiative, which does not incorporate fines, was trialled on North East Road by the previous Liberal government in 2001. My question is: does the minister, or Transport SA, have plans to introduce speedometer checking devices in South Australia, perhaps on the South-Eastern Freeway or the Southern Expressway, or even the Gawler bypass?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer that question to the Minister for Transport in another place and bring back a reply. I must say that I found it a little distracting, checking my speedometer against one that was alongside the highway.

*The Hon. Diana Laidlaw interjecting:*

**The Hon. T.G. ROBERTS:** I think so, from memory. They would have to be placed sensitively, where you had a little time to cross-check, rather than in a very busy area.

### GOVERNMENT MAPPING SERVICE

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the government mapping service.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** For many years, the government mapping service has offered a service to customers of various regional maps and, indeed, statewide maps. The service has been widely used by farmers, hydrologists, local government and surveyors, and for mining exploration. Will the minister confirm that he has intimated that this service is to be discontinued?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I am not sure exactly what the honourable member is referring to when she talks about the government mapping service. Of course, there are a number of arms of government that produce maps. Certainly, I have divisions within my department that do so—for example, Primary Industries and Resources produces a lot of maps in relation to mineral exploration, which is a very important part

of that department. There are a number of other departments, and I expect that the Department for Environment and Heritage is one of the larger producers of maps for the government. I know that there are some agencies in the Department of Water, Land and Biodiversity Conservation that also produce significant maps, which are used by the rural community. I am not sure to which particular area of mapping the honourable member is referring. As I understand it, there is no one particular mapping service but there are a number of agencies right across government that produce maps, and these are very important resources.

Certainly, in relation to the minerals part of my portfolio, I am not aware of any plans to cut the production of any mapping. Whether there are any cost recovery measures in relation to any of those, I am not certain what arrangements apply. However, I am certainly not aware of any changes to reduce those very important mapping services as far as the department is concerned. Perhaps if the honourable member can be more specific—because the question may well relate to other agencies of government that produce maps—and if she gives me that information, I will obtain a reply from the relevant minister.

### TRANSPORT SA

**The Hon. DIANA LAIDLAW:** I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about Transport SA budget cuts.

Leave granted.

**The Hon. DIANA LAIDLAW:** I note a number of public efforts by the Minister for Transport and you, Mr President, on ABC radio to blame me, as the former minister for transport and urban planning, for this government's and this minister's decisions to cut Transport SA's budget and jobs. In particular, I nominate the decision to cut jobs from 11 to five at Crystal Brook.

I have not been minister for some months—although I would still wish to be so, but I am not. However, for the record, I point out that I have never ordered the business efficiency dividends. Transport SA came to me with a suggestion that there be a 3 per cent efficiency dividend on condition that it could keep those savings to reinvest. It was on that basis that I agreed. Transport SA also knew that it would never move on any effort, staff or budget, without my authority. My questions are directed to the minister, as follows:

1. When did he receive from Transport SA the business efficiency proposals?
2. Why did he not agree that all such proposals for savings be reinvested by Transport SA and not be regarded as cuts to budgets and jobs?
3. Did he agree to all savings proposals? Did he reject any or amend some?
4. Notwithstanding the facts of this matter, does he intend to persist in blaming me for something that he is clearly responsible for delivering, in terms of budget cuts not efficiency dividends to be reinvested as savings?

**The PRESIDENT:** I did not realise that the explanation was to be a personal explanation.

**The Hon. DIANA LAIDLAW:** Neither did I until I warmed up.

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I did not realise it was a budget session that we were in, either. It is more like a budget



estimates exercise. I understand the enthusiasm and rigour with which the former minister carried out her work and her enthusiasm for it in opposition. In retirement, I am sure that she will be very interested in the transport portfolio for some considerable time.

*Members interjecting:*

**The Hon. T.G. ROBERTS:** I'd say she would get invitations to address and to educate. I will refer those important questions to the minister in another place and bring back a reply, hopefully in time to allow the member to read them as a member in this council.

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### STATUTES AMENDMENT (MINING) BILL

Adjourned debate on second reading.

(Continued from 4 December. Page 1682.)

**The Hon. T.J. STEPHENS:** I rise to speak on behalf of the opposition. I remind the council of the politically motivated ALP outburst that instigated this bill. Whilst it covers many forms of mining, it is in fact a reaction to an incident at South Australia's Beverley uranium mine and the subsequent investigation and report by retired senior public servant Mr Hedley Bachmann.

The incident involved the spillage of leachate solution on 11 January 2002. Subsequent investigation revealed that the incident resulted from poor quality manufacturing of an elbow joint in some above-ground pipe. Despite this, all back-up safety procedures worked effectively. There was no damage to the environment or risk to the health of any individual. Regardless, the ALP, then in opposition, in almost hysterical fashion, beat up this incident to cause public concern. If you were to believe the ALP at the time, you would believe that a major uranium spill had occurred and that there were others that the government was covering up. I will refer to this later.

We support the aim of this bill—to make the reporting procedures more accessible and the government more accountable for its agencies. I also remind the council of the economic value of the mining industry and, in particular, of the value of Heathgate Resources and the contribution it makes to the state. Heathgate Resources alone generates \$10 million of wages per year and \$20 million in general economic activity to South Australia. It returns over \$1 million annually in royalties directly to the South Australian government coffers.

As an industry, mining contributes over \$2 billion to South Australia and makes up 13 per cent of our total exports. Mining pays \$33.6 million annually. Most importantly, it employs 3 870 people. This company and this industry are an essential component of our economy and a vital part of many South Australian lives. This is why I was disgusted, yet not surprised, when the Labor Party began its campaign of fear and loathing against Heathgate Resources and the industry in general. It cynically used minor and fairly innocuous accidents to raise public alarm needlessly and to gain a political toehold with the community.

During the state election campaign the Labor Party proceeded to use Heathgate as a political pawn. They have a saying in the Labor cabinet: 'Don't let the truth get in the way of a good fear campaign.' They followed that rule to the letter

back then, just as I suspect they do today. The Labor Party did not even blink before it attempted to destroy the reputation of a company that provides so much economic benefit to South Australia; it is a party hellbent on scaring people into believing the radical left's propaganda on the nuclear issue. In relation to the nuclear waste repository, it again is using a scare campaign and calling it a policy.

The ALP accused the former Liberal government of covering up the incidents at Beverley. Yet, two subsequent investigations have now proven that the Liberal government of the day was properly following the standard procedure for incidents at the mine. The public servants charged with administering this area regarded most of the incidents that did occur as being so minor in nature that neither the minister nor it would appear the head of the department were told at the time. The Bachmann report concurs with this assessment. Having said that, we welcome changes that give greater public access to the details of incidents involving uranium mines because it will expose Labor's hypocrisy on this issue. The Labor Party's lack of understanding of both the circumstances of uranium mine incidents and its deliberate public misrepresentation exposes it for what it is: incompetent or deceitful, or both. Certainly both traits are being exhibited throughout the Labor government today by many ministers over many issues.

The Labor Party happily perpetuated the idea of a nuclear conspiracy and happily smeared the reputation of Heathgate Resources not only in Australia but also internationally. Irresponsible ALP comments of this incident were reported in the *Herald Sun*, the *Age*, the *Australian*, the *Northern Territory News*, the *Western Australian*, the ABC, CNN, Reuters, the *New York Times*, the Russian media and Nine.MSN, to name but a few. The Labor Party says that it is pro business, but only when it suits its political purpose. The one thing you can count on from the Labor Party is that it will never miss an opportunity to kick business in the head if it suits it. It will happily put at risk millions of dollars of investment for a good run in the media. The ALP never lets the facts get in the way of a good story.

Even when it came to presenting this bill to the parliament, Labor failed to follow long-standing protocol. It did not consult with industry or its representative bodies and, when the opposition exposed these failings during a government briefing to the opposition on the bill, the government was embarrassed into delaying debate on this bill while it did what it should have already done: consult with industry. We support this bill because it will lead to more open public reporting and will keep Labor accountable. We do not support the economic recklessness that the government was so willing to flaunt in order to panic the community. This amendment will ensure that the Labor Party will not be able to do that again. It will ensure that both the opposition and the public are able to hold the government accountable for its actions. Informing the public of the facts is something the government is loath to do. It is the best way to discuss an issue or to ensure that an issue is properly evaluated in the community.

**The Hon. T.G. CAMERON:** This bill was introduced by the government as part of its 10 point plan to improve openness and honesty in government. It seeks to implement recommendations made by Mr Hedley Bachmann in the 2002 review of the South Australian uranium mining industry. Currently, secrecy and confidentiality provisions in respect of releasing information about a mining accident mean that it only becomes a matter of fact when the release is approved

by the minister. The government seeks to amend this provision so that the release of information is consistent with freedom of information provisions. In effect, this will allow the release of all information obtained in the administration of the act, subject to freedom of information restrictions. This is targeted specifically at the uranium mining industry so that information about mining leaks and accidents can be readily released for the public good.

The bill also removes provisions regarding the misuse of information for personal gain under the Mining Act, since this is now covered under the Criminal Law Consolidation Act as a misuse of public office. These provisions are anachronistic and can be repealed. As I understand it, the mining industry has been consulted and has raised no objection to this bill, and surprisingly no objections have been raised by environmental groups. I support the bill. It makes only minor changes, which I see as beneficial to the public interest and to the provisions regarding mining accidents, including radioactive accidents.

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I thank honourable members for their indications of support for the bill. As has been indicated, it is a fairly straight forward measure that has come about as a result of the report Mr Hedley Bachmann made into the reporting procedures for the South Australian uranium mining industry last year. The Hon. Terry Stephens made some comments criticising the government for not consulting with industry. I will clarify the position. In fact, the government did consult with the uranium industry quite widely, both during Mr Bachmann's review and also afterwards when this legislation was being drafted. However, the honourable member was referring to some concern that this bill would impact outside the uranium industry and that other areas of the mining industry would be affected. As a consequence of those concerns a minor amendment is to be moved in committee to clarify some issues in that regard.

There was consultation with the uranium industry, and essentially the recommendation resulted from the review. Given that the bill could impact on other sectors of the industry, further discussions were held with SACOME, and that led to this amendment. I do not need to say much more as the bill is, after all, fairly straight forward. It simply amends provisions in the Mining Act and within the Mines Inspection Act that relate to confidentiality in line with the recommendations of Mr Bachmann. Therefore, the only restraint on the flow of information will be the normal provisions that apply under the Freedom of Information Act. Certainly the provisions in the Mines Inspection Act have been there for many years and originally were introduced under quite different circumstances. I am pleased to hear the indications of support from members and will answer any further questions in committee.

Bill read a second time.

In committee.

Clause 1.

**The Hon. T.J. STEPHENS:** One of us is confused as to how much consultation there was with industry, and I am genuinely concerned about that. Who did you confer with and at what times?

**The Hon. P. HOLLOWAY:** I explained during the second reading debate that there was consultation with the uranium industry because, essentially, these recommendations came out of Mr Bachmann's inquiry into the reporting procedures for the uranium industry. Obviously, because we

are seeking to amend the Mining Act and the Mines Inspection Act, there could have been an impact on other industries. When that matter was raised, as the honourable member stated in his second reading speech, those broader contacts with the Chamber of Mines and Energy were made, and the amendment came about as a result of that. So, whereas originally there had been consultation with the uranium industry, because that was essentially what we were dealing with, it was the concerns of the broader mining industry that led to the change. As a consequence of that I am sure we have addressed those issues to their satisfaction.

Clause passed.

Clauses 2 and 3 passed.

Clause 4.

**The Hon. P. HOLLOWAY:** I move:

Page 3, line 21—Before 'in' insert:

to the minister, or an officer or employee of the Crown.

This inserts the words 'to the minister, or an officer or employee of the Crown' at the beginning of paragraph (c) of proposed new section 9 of part 2 of the Mines and Works Inspection Act. Proposed new section 9(c) provides that information can be released in connection with the administration or enforcement of this act or a prescribed act. This is what you might describe as a general catch-all provision that will allow inspectors to talk amongst themselves or discuss various issues that may arise on a mine site and for reports to be provided to the minister if required. That will allow the issue of notices, directions or orders from an inspector or the chief inspector for any issues that may arise from the inspection of a mine site. The purpose of the amendment is essentially just to ensure that this more general provision does not catch officers or employees of the Crown in relation to going about their ordinary lawful business.

**The Hon. T.J. STEPHENS:** I offer opposition support for the minister's amendment.

**The Hon. P. HOLLOWAY:** I thank the opposition for that.

Amendment carried; clause as amended passed.

Title passed.

Bill reported with an amendment; committee's report adopted.

Bill read a third time and passed.

## HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

Adjourned debate on second reading.

(Continued from 1 April. Page 2051.)

**The Hon. A.J. REDFORD:** On the last occasion I sought leave to conclude my remarks on this bill, by which the government is seeking to set up a separate complaints office in relation to medical issues. On the last occasion I drew members' attention to the fact that I chaired the committee which looked at the Ombudsman (Private or Corporatised Community Service Providers) Amendment Bill, which was introduced by the Hon. Mr Hill in another place. I referred members' attention to some of the evidence we heard on this issue. I remind members of the evidence to the committee from Mr Finn, a prominent Adelaide University academic, that I referred to. He pointed out that setting up separate offices to deal with public complaints is liable to cause confusion concerning the multiplicity of bodies, and he referred to the associated additional expense that might be attributed to that.

Also on the previous occasion I referred to the Ombudsman's previous annual reports in which I pointed out that one-third of the Ombudsman's jurisdiction would be lost or moved to this new body if this legislation should pass unamended. I also pointed out that the Ombudsman currently enjoys strong support and respect not only in this parliament but also throughout the community. I pointed out that the Ombudsman's office had developed a broad range of skills and had dealt with a broad range of issues without any criticism that I am aware of and had to deal with issues that arose from different languages from our ethnic communities or those of non English speaking background, some very sensitive family issues, cross jurisdictional issues and also, importantly, rural and remote issues, particularly in relation to some of our outlying health services. I pointed out that through justices of the peace the Ombudsman had set up various delegated offices throughout regional and rural South Australia to deal with complaints, at a cost which would be quite significant if this bill should go through unamended.

I pointed out that this bill has extraordinarily broad definitions and may well give the Commissioner of Health and Community Services Complaints jurisdiction over bodies such as the Housing Trust, fire services, police services and Family And Youth Services and this could only cause great confusion in the public mind as to which was the appropriate body to make a complaint to. I also deprecated the use of the word 'ombudsman' in relation to this legislation and other legislation and pointed out that the government had accepted the importance of the use of the term 'ombudsman' residing in an officer such as our current Ombudsman, whose primary responsibility is to report directly to parliament and not to a minister, which is the case with this legislation.

Following my contribution on the last occasion, on 4 April 2003 I had the honour of representing the opposition at the Ombudsman's 30th year celebration which took place at the ground floor of 50 Grenfell Street, city.

*The Hon. Ian Gilfillan interjecting:*

**The Hon. A.J. REDFORD:** The honourable member interjects and says that I had the opportunity to cut the cake. Indeed, the honourable member and I held the knife together as we remarked upon that and we jointly inserted the knife into the cake without any thought about the appropriate place for that knife to be put.

*An honourable member interjecting:*

**The Hon. A.J. REDFORD:** I didn't have to; not with the honourable member standing by my side, because I knew he would protect my back. What the Ombudsman said on this occasion warrants a great deal of the thought, care and attention of all members of this place and in particular the minister. The Ombudsman said:

In this state the institution of the Ombudsman has become reliable and credible over a period of 30 years. It has been faithful to the charter laid down by the parliament. Moreover its credibility depends on effective original jurisdiction over all government departments and statutory agencies and authorities. If that jurisdiction were to be lessened by other schemes, that would not only undermine the office of the State Parliamentary Ombudsman but also the paths so carefully laid down by parliament itself in that original act (which we celebrate today) and subsequent legislation which reinforces the Ombudsman's role. Moreover, removing directly or by implication any government department or agency from the Ombudsman's primary jurisdiction and relegating it to a peripheral 'supervisory' function over some 'intermediate complaint handling agency' be it called Ombudsman or not, would even impede and frustrate the operation of the new audit review functions provided for in the recent Ombudsman (Honesty and Accountability) Amendment Act 2002 (yet to be proclaimed) and thus negate the overall intent of parliament.

From my 34 years experience, 17 with legislation and 17 as Ombudsman, I am only too aware how the perverse consequences of an even apparently innocuous definition may cause subsequent grief within a perfectly healthy legal environment. I pray that the legislators carefully scrutinise all new legislation impacting on my jurisdiction and communicate with me on any concerns they may have. Such communications would not be inimical to the proper operation of the Ombudsman. Let not 30 years of good Ombudsmanship be in vain.

Members who know the Ombudsman would be aware that, if he can be criticised for anything, the criticism ought to be put to the fact that, generally, he tends to understate things. That is the strongest statement I have ever heard from this Ombudsman about any legislation or any government measure I have seen in the nine years that I have had the honour of representing people in this place. The Ombudsman cannot make his position any clearer than that. Indeed, he attacks this legislation as being inconsistent with the honesty and accountability position that this government constantly purports to take.

This bill, in effect, brings into existence a body similar to bodies in other jurisdictions, in particular in Western Australia and New South Wales. The experience in Western Australia has led to an Office of Health Review paper, which will finally report to the Western Australian parliament in June this year. The Office of Health Review in Western Australia is a statutory authority and was established as a consequence of clause 4 of the Medicare Agreement, which required a complaint regime and a process to resolve complaints in the health arena. The Office of Health Review has a far narrower focus than the legislation that is before this place.

I am aware of the strong submission that the work of the Office of Health Review in Western Australia should be transferred to the Ombudsman, taking advantage of the considerable expertise, experience and skill that the Western Australian Ombudsman has developed. It would seem to me that the government ought to pause and reflect and look at the Western Australian recommendations. Even more illustrative of this issue is the position in New South Wales. In June 2002 (less than 12 months ago) the New South Wales government introduced the Community Services Legislation Amendment Bill, which sought to abolish the Community Services Commission and the Office of the Commissioner for Community Services and confer their functions on the Ombudsman.

The minister, in introducing the bill on 18 June, said the following:

By amalgamating the Ombudsman and the Community Services Commission, it adopts the best and most effective powers currently available to those organisations. The bill has a number of other key benefits. It removes the jurisdictional uncertainty that currently exists for the Community Services Commission and under the Community Services (Complaints Review and Monitoring) Act 1993. It strengthens the independence of the monitoring, review and complaints handling functions. The Ombudsman can independently report to parliament and is accountable to a joint parliamentary committee.

That comes with the considerable experience the New South Wales state has enjoyed in relation to a model that has been in place in that state for nearly 10 years; and, after that nearly 10-year experience, New South Wales has decided that the establishment of a separate body is inappropriate. Notwithstanding that experience, this minister continues to persist with this bureaucratic nightmare of two complaints bodies with conflicting and overlapping jurisdictional responsibilities. Not at any stage has the minister sought to explain why

we should reject the New South Wales experience and repeat all the problems that New South Wales has had with its complaints system over the past eight or nine years.

The New South Wales government reinforced the importance of the Ombudsman's power to report independently to parliament, a situation that, as I understand it, is not the case in this piece of legislation. Mr Whelan, the minister who introduced the bill into the Legislative Assembly, described the operation of having a Health Complaints Commission directly as part of the Ombudsman's office (as we currently have in this state) as follows:

We believe it will create the best, most comprehensive system of consumer protection for vulnerable people in Australia. It represents a significant and sensible reform.

It beggars belief that this government would seek to ignore the 10-year experience of New South Wales and introduce a bill that reflects substantially the legislative arrangements that existed in New South Wales that were so roundly and soundly rejected less than 12 months ago. This minister has yet to come up with a reason why we should repeat the failed New South Wales experience in so far as this legislation is concerned. All I can say is that the opposition supports the position outlined by the New South Wales government in so far as the role of the Ombudsman is concerned.

I can say, also, that we have two most significant officers in this state. The first is the Auditor-General, and there is currently legislation before this place and the other place in relation to his position. In all of those cases the government has bent over backwards—in some respects in our view too far—to accommodate the wishes, desires and demands of the Auditor-General, yet when it comes to the Ombudsman the government seems to want to ignore totally the 30-year experience and the extraordinary credibility that he has in so far as this legislation is concerned. I repeat what the Ombudsman says in relation to this legislation:

I pray that the legislators carefully scrutinise all new legislation impacting on my jurisdiction and communicate with me on any concerns they may have. Such communications would not be inimical to the proper operation of the Ombudsman. Let not 30 years of good Ombudsmanship be in vain.

They are very strong words. I will await with some interest further contributions on this bill because, if the government does not justify its position and refutes the statements made by the Ombudsman in public forum in relation to legislation of this nature, it is my view that perhaps we ought to establish a select committee and enable the Ombudsman to give his evidence so that we can all hear it, so the media can be there, so everyone can be there, so we all understand just how silly some portions of this bill might be.

**The Hon. Diana Laidlaw:** And costly.

**The Hon. A.J. REDFORD:** And costly, as the honourable member says.

*The Hon. G.E. Gago interjecting:*

**The Hon. A.J. REDFORD:** The honourable member interjects and says 'review'. It is part of the legislative process, and that is what we do. It would not do the government any harm to refer more things to the Legislative Council to be reviewed. As the honourable member wakes from her slumber, she could look down at the Orders of the Day and see that we have left only six bills to review, hardly a stunning legislative agenda, and certainly the slimmest legislative agenda that I have seen since being elected to this place.

**The Hon. Diana Laidlaw:** Particularly in this period of a term.

**The Hon. A.J. REDFORD:** Yes, particularly at this time in the electoral cycle. That is what we are paid to do: review. If there is an inappropriate process of review in dealing with bills at the second reading stage or in the committee stage, I would defend strongly and forthrightly the right of the Legislative Council to set up select committees to undertake processes of review as part of its legislative responsibility. I am sure that, when the honourable member gains a little more experience, she will share that viewpoint.

In any event, I urge the minister to seriously reconsider the position. I indicate that, if this issue results in a stumbling block, perhaps a select committee will be the way to resolve it, and that would enable the Ombudsman to expand fully on his strong viewpoint about the ramifications of this proposed legislative measure.

**The Hon. IAN GILFILLAN** secured the adjournment of the debate.

#### **MINING (MISCELLANEOUS) AMENDMENT BILL**

Adjourned debate on second reading.  
(Continued from 26 March. Page 1987.)

**The Hon. T.J. STEPHENS:** I indicate opposition support for this measure. I notice that a number of the provisions within the bill were drafted by the previous government, and in some ways we are disappointed that it has taken 18 months to get to this point. Nevertheless, we are quite happy to support it.

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

#### **WATER RESOURCES (MISCELLANEOUS) AMENDMENT BILL**

Adjourned debate on second reading.  
(Continued from 28 April. Page 2134.)

**The Hon. D.W. RIDGWAY:** I thank all members for their contribution to the bill, and in particular I thank the Hon. Sandra Kanck, although I was a little bemused by some of the comments she made yesterday. One of her arguments seemed to relate specifically to the South-East Catchment Water Management Board, but I said at the beginning of my second reading explanation that the bill amends the Water Resources Act, which relates to all catchment water management boards.

This issue was brought to the attention of the member for MacKillop by the South-East Catchment Water Management Board, and the highlighted shortcoming was included in a list of suggested amendments resulting from the review of the operations of the Water Resources Act, received by the Minister for Environment and Conservation in 2002. However, the member for MacKillop's private member's bill presents an opportunity to fix this conflict of interest problem now rather than some time down the track.

It relates more specifically to the formation of a quorum at catchment water management board meetings, and the suggestion is to take the model from the Local Government Act and transfer those same provisions into the Water Resources Act. The provisions prohibit a member deciding on matters in which they have a reasonable expectation of gaining a pecuniary benefit. However, expressly accepted is a benefit or detriment that would be enjoyed or suffered in

common with all or a substantial proportion of the ratepayers, electors, residents of the area or ward, or some other substantial class of person. This means that a council is able to make decisions on, for instance, the imposition of rates, which is a matter in which all members would otherwise have a pecuniary interest as a ratepayer.

An amendment to the Water Resources Act should contain a provision to the effect that only past conflicts of interest on the part of the board member should be forgiven where they are held in common with others. In that way, decisions that are made by the board would be deemed to be made in accordance with the act, even if the members had a personal

pecuniary interest in the outcome. Also, members with an interest who participate in such decisions would avoid liability. The amendment provides for that aspect, as well. The conflict of interest provisions in the bill are consistent with all the amendments required to improve the conflict of interest provisions and, accordingly, I commend the bill to the council.

Bill read a second time.

#### **ADJOURNMENT**

At 4.04 p.m. the council adjourned until Wednesday 30 April at 2.15 p.m.