LEGISLATIVE COUNCIL

Wednesday 16 July 2003

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

PAPERS TABLED

The following papers were laid on the table:

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

Regulation under the following Act—
Local Government Act 1999—Local Government Superannuation Board—Interest Commencement.
District Council By-laws—Mount Barker
No. 1—Permits and Penalties
No. 2—Moveable Signs
No. 3—Roads
No. 4—Local Government Land
No. 5—Dogs

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the thirtieth report of the committee, 2002-03.

Report received.

PAEDOPHILE TASK FORCE

The Hon. P. HOLLOWAY (Attorney-General): I table a ministerial statement in relation to a paedophile task force made today in the other place by the Hon. Kevin Foley, Minister for Police.

MURRAY RIVER FISHERY

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): On Monday 14 July, in response to a question from the Hon. Angus Redford, I made reference on a number of occasions to the way in which the formula for compensation of the river fishers was arrived at. I would like to clarify for the council the process by which the formula was developed. An independent financial analyst received individual tax returns and other information and provided me with estimates of the gross income that fishers made from commercial fishing. The original formula used to devise the compensation offered to fishers was developed by a group consisting of an independent chairman, two representatives of the commercial fishery and two senior officers of PIRSA. I repeat that it is my firm belief that the formula arrived at was fair to both the river fishers and to the taxpayers of this state.

HOSPITALS, QUEEN ELIZABETH

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a ministerial statement on the report by the Auditor-General, on the procurement of MRI services at the Queen Elizabeth Hospital made by the Hon. Lea Stevens, Minister for Health.

FAMILY AND YOUTH SERVICES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a statement on Family and Youth Services made on 16 July 2003, by the Hon. Steph Key, Minister for Social Justice.

QUESTION TIME

NUCLEAR WASTE STORAGE FACILITY

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the Leader of the Government a question about the low level radioactive waste repository.

Leave granted.

The Hon. R.I. LUCAS: In a ministerial statement to the House of Assembly on 6 June this year the Minister for Environment and Conservation said:

> Never before has the commonwealth acquired land against the wishes of a state.

That claim has been repeated by the minister, the Premier and other ministers of the government as they have sought to gather support for their legislation before the parliament. I refer to just one example: on 15 July on 5AA the Premier said, '. . . the first time in history that a federal government has ever seized crown land off a state against its wishes'. There have been a number of similar claims made by the Premier and various Rann government ministers.

The opposition has been advised that in 1968 the commonwealth government compulsorily acquired land at Holsworthy, New South Wales. The purpose of the acquisition was to retain the property for army training purposes and to provide a buffer zone of a one-mile radius around the Atomic Energy Commission's reactor at Lucas Heights. In February 1967 the New South Wales government made the land a public park in an attempt to stop the commonwealth acquiring the land. The opposition has been advised that the commonwealth then acquired the land against the wishes of the New South Wales government. My questions, in relation to the openness, honesty and accountability of Premier Rann and the Rann government on this issue, are:

1. Does the Attorney-General accept that Premier Rann and the Minister for Environment and Conservation have misled both the South Australian public and community and also, in the case of the minister, the House of Assembly in relation to the untrue statements they have been issuing in relation to this most critical issue?
2. On behalf of members, would he ask the Premier and the minister to immediately apologise for their untrue statements and immediately correct the record so that members can be properly informed before they have to vote and the community can be properly informed as to the accuracy of the situation?

The Hon. P. HOLLOWAY (Attorney-General): The best I can do is get the claims that have been made checked and bring back a response.

The Hon. J.F. STEFANI: By way of a supplementary question: would the Attorney be kind enough to provide some information in relation to any compulsory acquisition that has occurred in South Australia over the past 15 to 20 years?

The Hon. P. HOLLOWAY: I imagine that there may well be a significant number of cases. Speaking in my capacity as minister responsible for mineral resources development, part of my responsibility is to handle easements. Whether you regard them as property or not is debatable, but in regard to the Seagas pipeline there were

something like 600 or 700 easements, most of which were negotiated by the proponents of that pipeline and individual landholders. There were a handful of those, I think it was 11 originally, and it came down to two that went through most of the final procedures as to compulsion in relation to that project.

I am sure that there are little bits of land all over the state that are acquired from time to time for road and other purposes, so it may be that the records that the honourable member wants are scattered across a range of departments. I have given an example from my own department, and I imagine those records are kept within that department. Records are probably kept in other departments in relation to this. I will make some inquiries and provide what information I can to the honourable member, but it may well be that it is a difficult exercise to gather all that information. I am just not sure.

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Attorney-General a question on the subject of the low level nuclear waste repository.

The PRESIDENT: Although it has not happened yet, I remind members that, when they frame their questions, they do not canvass areas that are in the bill before the council. I am sure that all members are aware of their responsibilities in that regard.

Leave granted.

The Hon. R.D. LAWSON: I am indebted to you, Mr President, for reminding me of that. Yesterday in a ministerial statement, the Premier stated that the only legal costs that would be incurred by the state government in mounting a High Court challenge against the commonwealth government in relation to the matter under discussion would be the sum of $2 180.

Members interjecting:

The Hon. R.D. LAWSON: It is a fact. I repeat: $2 180 to mount a High Court challenge by the state government. When I held the office now held by the Attorney, the Crown Solicitor's Office charged other government agencies $160 per hour for legal services provided by the most junior practitioner. That allowance was under review, and I can reassure the Attorney that the Crown Solicitor's Office was not contemplating reducing the charge. If $2 180 would be the cost to the state and if it involved the work of the most lowly officer within the Crown Solicitor's Office, it would mean that the case against the commonwealth would be presented and prepared in 14 hours.

In his ministerial statement yesterday, the Premier suggested that the case might last two days, so that would be 10 hours of court time, leaving only four hours of preparation time for a High Court challenge. I remind the Attorney-General that the commonwealth, our opponents in this proposed High Court challenge, has announced that it will be spending $500 000 to defend the case. The cost of conveying the Solicitor-General, junior counsel and an instructing solicitor from Adelaide to Canberra (if that is where the case were heard as it usually would be heard), together with the accommodation for the night that would be spent, would itself exceed the amount of $2 180, which the Premier is assuring the community this government would spend. My question is: how does the Attorney-General reconcile the Premier's estimates of the total cost to be incurred by the government in a High Court challenge of $2 180 with the fact that the standard charge-out rate by the Crown Solicitor's Office for any government agency is at least $160 per hour?

The Hon. P. HOLLOWAY: I am not sure what the context was in which the Premier made that particular statement, but I will look at what advice has been provided to the Premier in relation to the costs of this appeal, and I will bring back a response.

The Hon. R.I. LUCAS: I ask a supplementary question. Is the Attorney-General saying that he has not read the Premier's statements made on this particular issue in the past 24 hours?

The Hon. P. HOLLOWAY: I am not sure whether the honourable member is talking about a press report or—

The Hon. R.I. Lucas: A ministerial statement—the one that you tabled!

The Hon. P. HOLLOWAY: A ministerial statement. Yes, I have.

The Hon. J.F. STEFANI: I ask a supplementary question. Will the Attorney advise the chamber whether the $2 100 includes GST?

The Hon. P. HOLLOWAY: I will obtain a response for the honourable member.

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Attorney-General a question on proposed legal costs for the low level nuclear waste repository.

Leave granted.

The Hon. D.W. RIDGWAY: By way of explanation, I believe it is appropriate to quote from a document that I know has been circulated from Andrew and Leanne Pobke, which states:

> 2. It is the intention of the Pobkes to institute a legal challenge in the Supreme Court of South Australia to the validity of any legislation in terms of the Parks Bill, in the event the same is passed by parliament into law.
>
> 3. In addition, and in the event that any Parks law survives, the Pobkes will fully explore their entitlements to compensation (no compensation having been offered or suggested to date by the State Government), and the Pobkes will take all available steps to ensure that proper expenditure is incurred by the State in the establishment and maintenance of any park (including, in particular, the expenditure of what will necessarily be many hundreds of thousands of dollars in improving the access road to a passable and safe condition).

My questions are:

1. Can the Attorney-General advise the council on the government's estimate of the cost of defending the proposed legal action by Andrew and Leeanne Pobke?

2. Can he also outline the costs of preparing the necessary roads and infrastructure for the park?

The Hon. P. HOLLOWAY: First of all, let me say in relation to the legal fees, what the Premier actually said in his statement yesterday was:

> I can inform the house too that the Crown Solicitor has advised that all work relating to the legal challenge will be performed by salaried staff in the Attorney-General's department and by the Solicitor General. There will be no additional costs apart from ordinary court fees.

So, I think one needs to bear in mind comments made earlier and to take them into account. As I said, when one has opposition questions, one should look at the context in which statements are made. In relation to the honourable member's question about what is going on in the parks, I really believe that that is more correctly a question directed to the Minister for Environment and Conservation. Those matters rightly come under his portfolio.

The Hon. R.D. LAWSON: I have a supplementary question. Is the Attorney-General suggesting that officers in the Crown Solicitor's department presently have nothing to do and are sitting around waiting for this case to be listed? Is not this legal work included in the estimate of 150 000 hours of work that appears in the budget papers as the Crown Solicitor's target for the year?

The Hon. P. HOLLOWAY: I guess that when the Attorney-General's Department's estimates are brought forward they are of course based on previous experience of the volume of work that is likely to be handled through the office, and that is what those estimates are based on. Of course, from time to time issues will arise where the services of the office of the Crown Solicitor and the crown law office will be required.

The Hon. D.W. RIDGWAY: I have a supplementary question. Can the Attorney-General advise the council of the approximate cost of defending the legal action by the Pobkes, which I outlined?

The Hon. P. HOLLOWAY: Obviously, some estimate would have to be made of that. I cannot give the honourable member an answer as to what the possible cost might be. It really is a hypothetical question. As far as I am aware, no summons or no claim has yet been issued. To obtain that advice, I would obviously need to know exactly what the claim was.

The PRESIDENT: I remind honourable members of their responsibilities regarding the asking of hypothetical questions or questions that solicit an opinion from a minister. I am sure that they understand the rules and will abide by them.

FERAL OLIVES

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about feral olives.

Leave granted.

The Hon. CARMEL ZOLLO: I am aware that the problem of feral olives has been raised in this chamber previously. As members would no doubt be aware, South Australia's climate is perfectly suited to the cultivation of olives, which is now a successful commercial industry. However, the growth of that industry has led to a problem with feral olives becoming woody weeds that can fuel bushfires. Can the minister provide an update on what action the government is taking to eradicate this weed?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her question and the interest that she has in an important matter such as the eradication of olives and the protection of our environment. Olives imported from Portugal, Spain, France and northern Italy have grown commonly in South Australia, especially in the Mount Lofty Ranges, since the start of European settlement in 1836. Major olive infestations are common in the drier parts of the Adelaide Hills and on land previously used to grow sheep. Serious roadside infestations are now developing in the northern Mount Lofty Ranges, the Lower North and the southern Flinders Ranges. Olives were proclaimed as a community pest plant for three animal and plant control board areas in the Adelaide Hills in 1980, and later for other boards under the Animal and Plant Control Act. This applies only to trees not planted for domestic or commercial use.

Feral olives cause three major problems. First, the weed threatens biodiversity by displacing native vegetation. According to recent research, feral olives can reduce biodiversity by as much as 50 per cent in some circumstances. Secondly, the dense growth of feral olive infestations can harbour pests and diseases. Thirdly, feral olives become a woody weed that acts as fuel in bushfires.

The government is committed to the management of the national parks and the state's natural resources to minimise the threat of weeds. In 2001-02, approximately $780 000 was spent by the Department for Environment and Heritage on weed control in the Adelaide region alone. Those funds were targeted to the Mount Lofty/Barossa district, Cleland, the Sturt district and the Fleurieu district. The government's commitment to weed reduction is part of our commitment to sustainability and reducing the risk of bushfire. A key outcome from the Premier's Bushfire Summit was a recommendation that more work was to be done to remove woody weeds. The government has responded with an extra $10 million over the next four years to boost fire management in our national parks and reserves. That extra money will help to reduce the risk of bushfire by removing woody weeds such as olive infestations.

A new executive level task force has been set up to deal with the problem of woody weeds. The task force includes representatives from the DWLBC, DEH, PIRSA, Planning SA and the Mount Lofty Ranges Animal and Plant Control Board. At its first meeting earlier this month, the task force identified several key areas for immediate investigation: first, to make olive plantations a specific land use, as distinct from horticulture, under the Development Act; and, secondly, to use the power of direction under the Development Act to require planning authorities such as local councils to refer olive developments to the DWLBC and the Animal and Plant Control Commission for risk assessment. The third area is to review the commission's current policy for abandoned olive plantings. This process could lead to new regulations under the Animal and Plant Control Act. The fourth area is to update the olive risk assessment process and to map high risk areas.

It is anticipated that the task force will complete these investigations and report to the Natural Resources and Environment Energy cabinet committee by the end of October 2003. The task force will deliver a better planning process for the commercial olive industry that will lead to fewer feral olives in the future. It will also oversee efforts to remove infestations of feral olives that currently exist. The work of the task force will complement the very good work of existing weed control programs carried out by councils such as the City of Mitcham.

Recently, when I had a look at some of the programs being put together by Correctional Services, I found that the work being done by the community corrections and work release programs being run by Corrections was concentrating on eliminating the olive menace from sections of the Adelaide Hills in the lead up to last year's fire season. So, cooperation can be developed between departments and through agencies to try to eliminate the fire risk, as much as we can, from the Adelaide Hills and in other areas. I understand that there is work being done where commercial crops are being grown to try to at least plan for the eradication of feral olives where foxes, birds, etc. contribute to spreading some of the infestations that will occur with the increased interest in the growing of olives within this state.

DISABLED, ACCOMMODATION

The Hon. KATE REYNOLDS: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about accommodation for people with disabilities.

Leave granted.

The Hon. KATE REYNOLDS: My office has learnt that the lack of accommodation for people with disabilities has reached crisis point in the Murraylands. There is no accommodation in Murray Bridge for people with medium to high level disabilities, forcing people to be relocated to facilities outside the community in which their families—and therefore their support networks—are located.

Already there are five people in the Murraylands with high intellectual and physical support needs on the crisis accommodation waiting list kept by the Intellectual Disability Services Council. While they wait, sometimes for years, these people are being cared for by their frail and aged parents. In fact, in one situation of which we are aware, an 80 year old woman is being forced to care for her 42 year old daughter, who has severe cerebral palsy and is confined to a wheelchair, simply because there is no funding to enable her to live in community housing in Murray Bridge. Despite seeking help since 1999 from the relevant organisations and her local member, this elderly woman receives respite only every second weekend.

Also, there are numerous other people living in the same region in similar circumstances who need to be able to live independently but are unable to do so. There is only one group home in Murray Bridge providing support for four people with intellectual disabilities, but there is no accommodation for people with physical disabilities. Currently, there are another 12 people with disabilities who will urgently require alternative accommodation in the very near future. Other people, including young people, are living in nursing homes or have been forced to live in Adelaide, up to hundreds of kilometres away from their families and friends, to access housing. My questions are:

1. Does the minister acknowledge the chronic shortage of disability accommodation in the Murraylands?

2. Will the minister act immediately to increase the amount of disability accommodation available in that region? If so, how? If not, why not?

3. What measures are being taken to improve accommodation and support services for people with disabilities in rural and regional areas of South Australia?

4. Does the minister believe that it is appropriate that young people with disabilities are among those being placed in aged care beds, hospitals and nursing homes?

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. As I have already acknowledged in other contributions, there are concerns within government cross-agencies in relation to the problems associated with mental health and disability facilities, particularly for people living in regional areas, as well as the growth of problems associated with mental health.

MORRIS, Ms A.

The Hon. A.L. EVANS: 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 Ms Anne Morris.

Leave granted.

The Hon. A.L. EVANS: I put to the government last year questions concerning the maternal alienation project. The project was brought to my attention as a result of contact by a member of the public. I understand that the project is based on the anecdotal case studies and findings contained in a thesis by Ms Anne Morris, a former student of gender studies at the University of Adelaide. On 15 April 2000, an article appeared in the *Sydney Morning Herald* providing details of a decision by the District Court of New South Wales. A Ms Anne Morris was named as one of the parties involved in the court case. Is the Ms Anne Morris cited as a student whose work formed the basis for the maternal alienation project the same person as the Ms Anne Morris referred to in the *Sydney Morning Herald* article published on 15 April 2000?

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

THOMAS, PROFESSOR TONY

The Hon. A.J. REDFORD: I seek leave to make an explanation before asking the Attorney-General a question about Professor Thomas.

Leave granted.

The Hon. A.J. REDFORD: On 1 April 2003 (April Fool's Day), the former attorney-general made a ministerial statement under the heading *Today Tonight* Program. Under parliamentary privilege, the former attorney made a number of assertions about Professor Thomas. They included:

> Professor Thomas was not a forensic pathologist when he appeared on *Four Corners* and, I am told, he had not carried out a post-mortem investigation on a homicide case in South Australia.

The former attorney went on and asserted that in 1998 Professor Thomas was called as an expert witness, and in that case magistrate Baldino found that Professor Thomas was not unbiased and therefore his evidence was unreliable and unsatisfactory. On any analysis, a substantial attack on Professor Thomas's integrity and expertise was made under parliamentary privilege. It has now been brought to my attention that the former attorney-general was not entirely frank in his comments about Professor Thomas. First, despite the former attorney's comments, I am informed that Professor Thomas had undertaken some 300 autopsies in South Australia.

Secondly, Professor Thomas was retained by the Coroner as an independent expert in the babies' death inquiry. Thirdly, magistrate Baldino's judgment was appealed against in the Supreme Court and, in a decision delivered in 1999, Justice Mullighan stated:

> There are very serious findings so far as Professor Thomas is concerned. He is a specialist in his profession and holds senior and important positions at the Flinders Medical Centre and the Forensic Science Centre where he is an honorary senior consultant. He has a long history of working in forensic pathology overseas and in this state. The finding of the learned magistrate reflects poorly upon him. He gave no reasons for his conclusions.

His Honour Justice Mullighan further said:

> Certainly no suggestion of lack of impartiality or independence or bias was put to Professor Thomas during his evidence by the prosecutor or the learned magistrate. There is no hint of any of these matters in his evidence. His observations and opinions appeared to have been recounted in an entirely appropriate manner. In my view,

the learned magistrate erred in his dismissal of Professor Thomas's evidence from his consideration.

In the light of that, my questions are:

1. Why did the former attorney not refer to the remarks made by Justice Mullighan?

2. Does the Attorney agree that this attack on Professor Thomas was wrong in fact and prima facie misleading of parliament?

3. Does the Attorney agree that they are very serious allegations?

4. Will the Attorney refer this matter to the Speaker with a view to establishing a privileges committee of the House of Assembly?

5. Will this Attorney correct the record and apologise on behalf of the government to Professor Thomas?

The Hon. P. HOLLOWAY (Attorney-General): I will investigate the matters raised by the honourable member. I think that is the only reasonable course of action I can take.

The Hon. A.J. REDFORD: As a supplementary question, on the face of it does the Attorney agree that at least this is a breach of the ministerial code of conduct?

The PRESIDENT: This matter was raised yesterday. It is clearly requesting an opinion. The minister has the right of any minister to answer or not answer.

The Hon. A.J. Redford interjecting:

The PRESIDENT: You are asking for an opinion.

The Hon. A.J. Redford: You're going to hide behind this, are you?

The Hon. P. HOLLOWAY: No, I am not hiding behind anything. The honourable member comes in and talks about a particular case, reads out what some justice said several years ago on a particular case, and then expects me to make a snap adjudication on what has been said. That is not the way these things should be properly dealt with. Already in our first question today we had accusations about things that the Premier said. Of course, when you look at what the Premier actually said there was a very significant qualification in the comments that he made. So, the only thing I can do is to examine the facts and bring back a response.

The Hon. A.J. REDFORD: As a further supplementary question, due to the seriousness of this matter will the Attorney undertake to bring back an answer some time later today?

The Hon. P. HOLLOWAY: I would say that, given the complexity and seriousness, as the honourable member calls it, it will take some time. I do not think that anyone could reasonably expect that I could go out and check statements, check comments and bring back a response within an hour or two. I would have thought it would have—

The Hon. A.J. Redford: You're waiting for parliament to get up, are you?

The PRESIDENT: That is offensive.

The Hon. P. HOLLOWAY: I am not waiting for anything. The honourable member asked me a question and I will deal with it.

FISHERIES COMPLIANCE OFFICERS

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about Whyalla fisheries compliance officers.

Leave granted.

The Hon. T.J. STEPHENS: If I can just quote from Media Monitoring this morning, there is an article stating that Whyalla cuttlefish protection lobbyist Tony Bramley says he welcomes the government's recent decision to continue the two fisheries jobs for the next three years. Mr Bramley stated:

> . . . it's difficult for the officers to patrol Whyalla's coastline and protect the cuttlefish aggregation zone without a boat.

On 639 ABC at 7.30 a.m. he said:

> We feel that they've got a very important job, they've got a very large amount of coastline to cover. Essentially, it's from Whyalla northward towards Port August—you know, let's say just half way to Port Augusta—and southward, half way to Port Lincoln. So you can imagine it's a huge part of Spencer Gulf. There's only two of them and, unfortunately, they don't have a vessel so all of their policing is done from the shore and while that's really important as I mentioned earlier, just their presence is extremely effective. I think their ability to cover all the aspects of illegal fishing and enforcement is seriously reduced because they don't have a vessel.

My questions are:

1. How does the minister expect these officers to carry out their duties as fisheries compliance officers if they do not have a boat?

2. Will the minister undertake to provide these officers with a boat?

3. Can the minister provide the council with information regarding the level of compliance of the Whyalla area over the past two years compared with other areas?

4. Does the minister expect his compliance officers to swim after suspected illegal fishers and, if so, is there any chance of his supplying flippers?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I was in Whyalla earlier this year and spoke to the compliance officers. I must say that the compliance officers were very pleased that as a result of decisions made by this government through the budget we were able to fix up one of the many black holes left by the previous government, where compliance officers had been funded for three years. This is what that government thought about compliance officers: it thought so highly of them that just before the election it said, 'Okay, we'll announce that we are going to get a whole lot of new fisheries compliance officers but, of course, because we don't want to blow out the budget in future years and reveal our economic incompetence', they did not fund it into the future.

Of course, it was one of the many problems that this government had to deal with in a budgetary context. And we have done that and, as a result of ongoing forward funding being placed in the budget, most of those fisheries compliance officers will be able to be made permanent, so they will be able to do things like buy houses in the area.

Members interjecting:

The Hon. P. HOLLOWAY: No, they will not because the premise of the question is quite wrong. Those officers do have a tin boat. They also have access—

Members interjecting:

The Hon. P. HOLLOWAY: Who was the previous government? Who left the situation where we are? As a result of that visit I was made aware of the problem. We have been having negotiations with another government department, which has a surplus boat, a significant one—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It is transport in fact. It is an entirely appropriate boat and these boats are not cheap. The fisheries officers have access to a small boat. Other fisheries officers from Kadina come to that region from time to time to assist in relation to those activities. In relation to

cuttlefish my advice is that the tinny those fisheries compliance officers have enables them to perform the task, but it is not adequate. Having met with those fishers in Whyalla earlier this year, we have been negotiating with another department with a suitable vessel and we are hoping that those negotiations can be completed as soon as possible so those fisheries compliance officers in Whyalla can have a boat. It is a pity that the previous government did not think about some of these things in its costings when it made those decisions. This government is aware of it and we are doing what we can, and I hope we will be in a position where this larger vessel will be available as soon as possible.

The Hon. T.J. STEPHENS: By way of a supplementary question: will the minister tell us whether the decision making process that leads to compliance officers being without a boat, so that they cannot do their job properly, is indicative of the way he runs his department?

The Hon. P. HOLLOWAY: No, it is indicative of the way the honourable member's former government ran the affairs of this state. We were put in such an appalling situation that—

Members interjecting:

The Hon. P. HOLLOWAY: In fairness to the Hon. Terry Stephens, he was not here, but certainly the leader was. I do not like the dishonesty of people opposite who will not accept the consequences of their actions. This government has been in office for15 months and the number of repair jobs we have had to do because of some of the budget incompetence and the gross economic inefficiency of the previous government is staggering.

The Hon. T.J. STEPHENS: By way of a further supplementary question—

Members interjecting:

The PRESIDENT: Order! I ask members to curb their enthusiasm as the President is very interested in this matter.

The Hon. T.J. STEPHENS: Do I understand that the minister is criticising the former government for not putting into place compliance officers and not resourcing them so they can do their jobs effectively? Is that not wasting money?

The Hon. P. HOLLOWAY: This government has been trying to ensure that its fisheries compliance officers not only have an income into the future but also that they have the resources necessary to be able to perform their tasks in the proper way. They have an inadequate boat and access to another more adequate boat, but we are trying to get a significant vessel that will enable those officers to do a better job in future.

OTWAY BASIN EXPLORATION

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister for Mineral Resources and Development a question about petroleum exploration in the Otway Basin.

Leave granted.

The Hon. R.K. SNEATH: I am told that PIRSA's pre-competitive promotional efforts have brought the attributes of the Humpback Lead in the Otway Basin—

Members interjecting:

The Hon. R.K. SNEATH:—listen and you might learn something over there; put something in the space between your ears for a change—to the attention of petroleum exploration companies, both in Australia and overseas. The onshore oil and gas industry in the South-East already makes a significant contribution to the state's economy by way of royalty flows and local jobs. My question is: have there been any recent developments in oil exploration in the Otway Basin?

The Hon. P. HOLLOWAY (Minister for Mineral Resources Development): I thank the honourable member for his question on the economic progress of the state. I can inform the council that two new petroleum exploration licences (PELs) for the Otway Basin in the state's South-East have been granted. PELs 154 and 155 resulted from the OT2002 release opened last year. Bidding closed on 22 May this year and Sydney-based explorer Rawson Resources Limited was the successful applicant. The work program bid by Rawson for the two blocks represents an estimated $5.1 million exploration investment and includes two petroleum exploration wells, 200 kilometres of seismic surveying, soil gas field surveys, and geoscientific studies. Rawson has also guaranteed the first two years of the work program. The blocks are prospective for both oil and gas.

The onshore oil and gas industry in the South-East already makes a significant contribution to the state's economy, with well over $1 million in royalty payments expected from existing petroleum operations in the area over the next 12 months. The total value of Otway Basin petroleum production in 2002 was $20.8 million, which generated a royalty payment of $1.7 million. Caroline 1, located south-east of Mount Gambier, still ranks as the most valuable well in South Australia, with its production since 1968 worth $217 million.

The offshore Otway Basin has also recently attracted investment. An exploration well is scheduled to be drilled by February 2005 by the Woodside Energy and Great Artesian Oil and Gas joint venture in EPP27. In addition, three large areas in the offshore Otway Basin (designated SO2-6, 7 and 8) are open for work program bidding until 25 September this year. Considerable interest has been expressed in these blocks by both Australian and international exploration companies because they have potential for large oil and gas accumulations. The Humpback Lead that the honourable member referred to in his question is located in 1 300 metres of water in bid block SO2-6 offshore from Robe, and it has attributes similar to those proven petroleum areas in other parts of the world, where significant oil and gas fields have been discovered. I commend those officers of PIRSA responsible for bringing these possibilities to the attention of exploration companies.

ABORIGINAL HERITAGE

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question concerning the protection of Aboriginal heritage in South Australia.

Leave granted.

The Hon. SANDRA KANCK: On 13 May last year, I asked the Minister for Aboriginal Affairs and Reconciliation whether he had been able to determine why items were not being entered into the register, whether he intended to require departmental officers to comply with the act and whether he intended to revise the act and, if so, how and under what timetable. At the date of that question, there had not been a single additional entry on the Register of Aboriginal Sites and Objects since 1993, and that was despite the discovery of some 1 200 sites and objects that were potentially worthy of

registration during that time. In response to my question, the minister indicated that he was pursuing a policy where identification, registration and protection are a part of the protection of Aboriginal cultural heritage and that he intended to put together a whole program of site registration and central archiving. My questions are:

1. How many new sites or objects have been entered on the register—and I specifically mean the register and not the archive—since the Rann government came to office?

2. Have any new potential sites or objects been identified in that same time period?

3. Has any advancement been made to create a whole program of site registration and central archiving, as the minister undertook? If not, why not?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for her questions and her continuing interest in Aboriginal heritage. The honourable member asked the same questions of the previous government at a time when no new sites were being registered and had not been registered since 1993. I did make an undertaking that we would look at the situation in relation to both the protection of Aboriginal heritage and culture and the management of the acts and the central archive. I am not sure whether or not I indicated that we were looking at a reconfiguration of the Aboriginal Heritage Committee, but we are certainly looking at restructuring it. Basically, that is what we have been doing.

The Aboriginal Heritage Act 1988 provides for the protection and preservation of Aboriginal heritage. Under the act a central archive, including a register of Aboriginal sites and objects, was established for the protection and preservation of culturally important sites. This register is designed for use and access by consultants, such as archaeologists and anthropologists, for field work research, and by members of local Aboriginal heritage committees to access information about sites in their area of interest.

There are approximately 6 160 sites currently recorded in the central archive. Of those, 3 416 have been registered, 2 744 have been reported, and two sites have been archived. Developers and land managers can access non-confidential information from the central archive through section 7 of the Land and Business (Sale and Conveyancing) Act 1994 through the development application process, which exists to ensure that developments do not affect any sites.

Since January 2003 an investigator has been seconded from the Crown Solicitor's office and the Heritage, Language and Arts team, providing an in-house capability to investigate allegations of offences committed contrary to the act. This initiative was undertaken due to complaints of two sets of circumstances likely to be offences being committed in the Innamincka area. Investigation revealed that, in fact, five different occurrences which may be in breach of the act had occurred. Inquiries are still going on to resolve these matters. An incident report template is now being used to record incidents and to monitor departmental action. To date, 13 incidents have been recorded and assessed for appropriate action in addition to matters that predate the use of the incident report; 11 matters have now been filed after attention; and matters under investigation are current incidents not only of an historical nature but also for culture and heritage protection. It is anticipated that, with the formularised reporting process and an expanding awareness within the indigenous communities and other government departments, the numbers of reported incidents are, hopefully, likely to continue to increase.

At the moment, due to the increased numbers of site registrations made during the windmill registration of sites in the southern Fleurieu or in the Fleurieu Peninsula, a number of sites—I think it is 28 sites, from memory; it has not been documented in here—were added to the register. At the moment we have some sites in the Black Point area that are being looked at for registration. Those sites have only been discovered during a development application by a developer, and that has been drawn to our attention in relation to protection and an application for registration.

There are several Aboriginal sites reported and registered in the vicinity of Black Point, Yorke Peninsula, and the South Australian Museum holds collections of stones and artefacts from some of these sites. The department has been improving the data on the locations for these sites which has been difficult due to the mobility of the dune systems along the north-east coast of Black Point Peninsula.

There are sites being discovered that have been accidentally disturbed and they are now being attended to in relation to the act, to try to protect those sites. It is the government's intention not only to protect by listing and also registration but also to try to put together archaeological digs using local heritage groups to gain an understanding of linkages between land culture and heritage, and to engage elders where we can to get the history and the cultural protection and heritage protection right, so that we can identify at a local level, through consultation with the central registry and through the department, a program that brings alive the culture and heritage within a particular area after the discoveries have been made.

It is our intention to link cultural protection heritage and greater understanding throughout the broader community by exposing the culture through understanding and using the institutes of learning—Adelaide University, Flinders University and University SA. We intend to involve them in digs, or in exposing culture through protection and registration, and to try to have live sites, if you like, where the broader community, after consultation with local Aboriginal communities, can be progressively exposed and it can be explained to local communities exactly what it is that we are dealing with.

In the case of Black Point, once development applications are received in relation to the disturbance of sites, it is my view that, at that point, in some cases, it is too late; the sites already have been disturbed, either accidentally or through acts of vandalism. We hope to gain the cooperation that we require through the cross agencies when applications are being made, to get on to the site as soon as possible, to contact the elders in those communities that are locally connected and then go through the process of registration, identification and exposure (if that is the case; in some cases, if it is disturbance of burial grounds, or that sort of thing, they will have to be protected by isolating and securing).

We are certainly going down a different path from that taken by the previous government. Hopefully, we will be able to complete that restructure within the next 12 months. As I said, in the case of Star Fish Hill, we certainly have registered something like 26 or 28 new sites. It is our intention to continue that progress. I will refer the question in relation to the number of sites that we have recorded to the department to provide the member with a complete picture.

GAMBLING, LOYALTY PROGRAMS

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 Gambling, a question about poker machine loyalty schemes.

Leave granted.

The Hon. NICK XENOPHON: On 10 July 2002—some 370 days ago—I asked the then minister for gambling a series of questions in relation to poker machine loyalty schemes and the impact they can have on problem gamblers and leading to problem gambling and the connection between any such schemes linking the purchasing of staples and the gaining of points. I referred to a statement made by the then gambling minister (Hon. John Hill) on 13 May 2002 in the other place that the company involved in the scheme—the J card loyalty system—had written to the minister and said that it would not be using the system proposed, as I understand it, linking the purchase of household staples at a delicatessen with the gaining of points.

On 2 April 2003—some 104 days ago—I asked questions of the current Minister for Gambling based on the questions asked last year, and I raised the concerns of the Heads of Christian Churches Gambling Task Force that were put to the Independent Gambling Authority in December 2002 that, in October last year, advertisements appeared in the *Advertiser* for the J card scheme, encouraging people to use J cards at specified delicatessens, Pizza Haven outlets, Movieland and Ultra Tune, presumably to accumulate points and, on the face of it, in clear breach of the apparent undertaking given by the former minister for gambling that such a scheme would be withdrawn last year. My questions to the minister are:

1. When can I expect an answer to the six questions that I asked on 10 July 2002 and the four questions I asked on 2 April 2003?
2. Will the minister release the correspondence to which the former minister referred in the other place on 13 May 2002?

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

The Hon. Nick Xenophon: They can't be that important, because no-one is answering them.

The Hon. T.G. ROBERTS: Well, they are important to me.

The Hon. Nick Xenophon: They're important to you, but what about the person who is supposed to be answering them?

The Hon. T.G. ROBERTS: All questions asked in this council are important to me. I will refer those questions and bring back a reply as soon I can.

SUPPORTED ACCOMMODATION

The Hon. J.M.A. LENSINK: 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 supported residential facilities.

Leave granted.

The Hon. J.M.A. LENSINK: Members may have received a copy of the newsletter from the Supported Residential Facilities Association of SA Inc. The supported residential facilities industry is rather complex and fulfils an important housing need. It faces a number of challenges due to the increasing complexity of its client group and the impact of financial issues. A number of disturbing issues were raised in the June-July edition which deserve a ministerial response. My questions are:

1. Will the minister release the report on financial viability entitled 'Supported residential facilities in SA: financial analysis'? If not, why not, and, if so, when will it be released?
2. From what funding line and/or program was the financial support to the 'not for profit' facility of 10 beds (cited at the end of page 2) procured?
3. What is the rationale for not officially recognising the industry through its inclusion as a member of the Supported Residential Facilities Advisory Committee?
4. Can the minister provide details as to why the existing HACC program entitled 'Step Out', funded at a cost of $80 000, will cease to be funded, while a similar new program, at a cost of $300 000, will be funded? Is it envisaged that this new program will include a community visitors scheme, as foreshadowed in the latest edition of the publication I have just cited?

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.

MURRAY RIVER FISHERY

The Hon. CAROLINE SCHAEFER: My question is directed to the Minister for Agriculture, Food and Fisheries. Is it true that the two river fishers alluded to in the minister's personal explanation today were invited to only one meeting with the others he mentioned in his explanation? Is it true that none of their suggested solutions were implemented and that they, in fact, had no input into the development of a formula for compensation?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am sorry, but, unfortunately, I did not quite catch all of the honourable member's question. I think the honourable member was asking whether the two fishers were part of the statement I made. Yes, there was, as I understand it, just one meeting of that committee.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Obviously, the minister did not hear me. He did answer one part of my question. Is it true that none of their suggested solutions was implemented and that they, in fact, had no input into the development of a formula for compensation? Further, would the minister agree that the committee to which he alluded would have been ineffective if the two fishers were invited to only one meeting?

The Hon. P. HOLLOWAY: I do not see why not. In relation to what went on at that meeting, the only information I had was obviously the recommendation provided to me at that time. It was over a year ago, but I do not think it is any secret that the two river fisher representatives on that committee were unhappy with the situation, as they have been. Obviously, they would have preferred whatever system gave them the maximum amount of compensation, and why wouldn't they? As I have said before and repeated today, we had to be fair not only to the fishers (and that is why it was important that their views were heard in the process) but also to the taxpayers whose money it is we are using for this purpose.

The Hon. CAROLINE SCHAEFER: As a supplementary question, does the minister agree that there was in fact no goodwill from the very start of this period, whereupon experts were called in to develop a formula for compensation if in fact those representing the industry were not part of the consultation process?

The Hon. P. HOLLOWAY: The river fishers have wanted to keep their gill nets from day one. They did not want to give them up. That is—

The Hon. Caroline Schaefer: You did not let them participate.

The Hon. P. HOLLOWAY: That is what they wanted to do. They wanted to keep their gill nets, and they still want to keep them today. That is what they really want. They want to go back there today and do what was done in previous years: go out and catch native fish, or any other fish, with gill nets. That is what they want to do and they were very unhappy with any change that was made. We know that. I think that everyone understands that but, in the end, the government must govern for the benefit of all South Australians, and sometimes those decisions will not be to the liking of every individual.

MATTERS OF INTEREST

SHEARING INDUSTRY

The Hon. R.K. SNEATH: I want to speak today on taxpayer funding for shearer training. A number of articles have recently been written in the *Stock Journal*. Also, Mr Venning in the other place has raised the issue of providing government money for shearer training. Most other industries, such as the construction industry, provide money for training. Levies are applied. There is a levy on the Australian wool industry, of course, and farmers, wool growers, pay a levy. According to the *Stock Journal*, those growers are about to vote on the rates for that levy.

Recommendations have been made for four rates: 1 per cent; 1.5 per cent; 2 per cent; 3 per cent; and zero option. The zero option, of course, is as a result of the federal government requirement to cater for producers who are opposed to statutory levies. The wool growers were not all that happy that an option of .5 per cent, which would raise $25 million, was not included. The 2 per cent levy for 2002-03 is expected to raise $60 million and, with government funding, a further $15 million, which makes $75 million; and here we have people in the industry still asking for another $100 000 or $200 000 from the taxpayers of South Australia to train shearers.

A Senate inquiry has been held into the handling of some of the money that has gone to the AWI. I am sure that the taxpayers of South Australia and Australia would be interested to know how some of that money was spent. I cannot see that any money has been spent on training people in the industry, yet enormous amounts of money have been spent in other areas: $20 million on more than 50 projects without proper contracts; the payment to Charles Sturt University for a rock collection (I do not know what that has to do with shearing, sheep or wool, but I think that some sort of explanation was given to the Senate inquiry about that); and a $500 000 grant to the Farmhand Appeal for drought-affected farmers, which was later returned to them.

I do not know why. I do not what happened with that. Obviously, that was a good cause. The money was going to drought-affected farmers, but that was returned. A further $500 000 was allocated to a wool industry film. Now, $500 000 would have been more than enough to train shearers for 12 months right across Australia. But they made a film with that. The nature of payment for work of this kind is standard practice, they say. The Wool Industry Awards consultancy of $404 560 was in fact paid to the European Wool Awards, the same event that the three current AWI board directors and their wives are attending in Paris in June. I am sure that if they stay at the same place as the Prime Minister the cost of it would train shearers for about four years! Advance payments made to former directors have not been repaid since they left. That is not bad, is it?

There were payments to a former director for travel that may not have occurred. Perhaps he did not go: I do not know what he did with that money, but that has not been paid back either. A $55 000 payment was made to a consultant, with no evidence of the work being done. The taxpayers of South Australia would surely say that, with all this money and a levy that looks like it will raise $25 million, there is enough money there to train shearers without taxpayers having to dig into their pocket again.

Time expired.

NURSES, REFRESHER PROGRAM

The Hon. J.M.A. LENSINK: I wish to commend to this chamber a program known as the Aged Care and Disability Registered Nurse Refresher Re-entry Program, which has been quietly running under the auspices of Julia Farr Services and the Australian Nursing Homes and Extended Care Association, or ANHECA. I also wish to state my interest in this program as someone who has just worked for ANHECA and was closely involved in this program, including seeking government funding support in recent years. The program is the result of a collaborative effort from both organisations and in response to the registered nurse shortage.

Registered nurses who have not practised for some years receive a combination of theoretical and practical learning. For nurses who have practised within the last five years, the refresher course takes 12 weeks; for those who have not practised for longer than five years the re-entry course runs for 20 weeks. After an initial study block of four weeks, students perform clinical placement, either at Julia Farr or ANHECA nursing homes. This provides practical hands-on experience, which is essential for regaining skills and confidence. Negotiations with the Nurses Board and the Australian Nursing Federation have enabled students to be paid while undertaking their practical component, making the program highly attractive.

It is interesting to note that the predominant profile of many participants shows that they interrupted their nursing careers for family reasons. Being paid during the course relieves the burden of taking time off work to retrain for several months. A number of people were involved in establishing the program and in developing the curriculum, liaising to obtain the aforementioned approvals, matching placements and playing an ongoing role in student learning outcomes and evaluation. The program is time consuming for those involved, and I would like to recognise in particular the Staff Development Unit at Julia Farr, which holds the whole

thing together and is supported by a number of directors of nursing from ANHECA.

The first pilot course ran in 2001 with four students. In 2002, two courses were run with a total of 17 students. It is important to note that the program was not receiving any external funding at this stage but was managed from the internal resources of Julia Farr and with the commitment of ANHECA members. In 2003 the state government provided a grant to Julia Farr of $50 000 from its $1 million funding line for refresher and re-entry programs, which I acknowledge has enabled the course to continue this year. That funding was provided on the basis that 16 students would participate which, at the time, was a big ask, but I am pleased to inform the chamber that, this coming Friday, 15 re-entry students will graduate from the program, one refresher student having already finished a couple of months ago, and will rejoin the nursing work force as fully fledged RNs.

One of the reasons why I am such an advocate of this program is out of admiration for the initiative of those people who recognised a need and did something about it. The group created an excellent program and ensured its continuation such that in July 2003 a total of 37 more registered nurses are practising because of it than were in the work force in 2001 when it started. But this program is under threat. While it is cheap to run compared to university based courses, it is an expensive exercise for Julia Farr, particularly as that organisation's future funding has been less certain in recent years.

The nursing program contains risks and takes considerable resources, which is obviously something that the organisation must take into consideration. A second course will commence this year in July but without additional funding from either the state or the commonwealth government I understand that it is unlikely to continue past 2003. I therefore implore the government to provide the small assistance required that will enable this valuable refresher and re-entry program to continue, and commend it to the house.

CHILDREN IN DETENTION

The Hon. J. GAZZOLA: There is a problem that just will not go away, and its proper resolution is being further muddied by the federal government's game-playing and intransigence. This problem is not just the issue of children in detention but what the immigration minister (Philip Ruddock) means in his response to the ruling by the full Family Court, which found that holding asylum seeking children in detention is illegal. His initial response, as reported in the *Advertiser*, was to flag an appeal to the ruling, his justification being that the ruling would be:

> . . . encouraging people smugglers to say. . . 'bring children with you because you'll get a different outcome.'

The kindest reflection that one could offer on yet another example of his and the Howard government's consistent disregard for issues of basic human rights is that the minister is sadly out of touch with the values that characterise a civilised society. The response by Trung Doan, the Federal President of the Vietnamese Community in Australia, on the minister's opinion is worth quoting. He noted, reflecting on refugees' motives and the minister's view on their supposed use of children for deceptive ends that 'an Iranian parent would take them along anyway, if he fears terrible punishment for them, like eye gouging.' Trung Doan's simple highlighting of a parent's fearful concern underscores the moral bankruptcy of the minister's position.

Yet, sadly, this is about more than just a misguided government. This is about fear-mongering, continuing the pattern of social division that the federal government manufactured at the last election with the SIEV10 tragedy. The pattern is there: witness its general handling of the refugees and asylum seekers; its polemic over reconciliation with indigenous people; its narrow and confrontational approach to the war on terrorism and the Iraq crisis. As former federal Liberal leader John Hewson claims in the *Bulletin* article on John Howard, 'he runs on prejudice, not policy.' This is not to deny that there are real issues but to note that the Howard government is not ashamed to exploit public anxieties and concerns.

Is there evidence, or at least some debate, to suggest that the Minister for Immigration is capable of playing politics on immigration issues? An interesting article by Democrat Senator Andrew Bartlett on the visa lottery certainly points to this conclusion. In his article he states:

> A businessman who is wanted in connection with a major fraud case in the Philippines is able to obtain a visa and also Australian citizenship. But two children whose mother is killed in the Bali massacre are denied a visa for a two week visit to Australia so they can see their father. Immigration Minister Philip Ruddock has played an active role in both of these cases. In the case of the Filipino businessman, Dante Tan first had his visa cancelled by the Immigration Department—reportedly for failing to show proof that he was a legitimate businessman. But Mr Tan was able to have his visa reinstated a month later after the minister's intervention.

Given this and the Howard government's demonstrated political opportunism, what are we to make of the immigration minister's additional remark on the finding of the full Family Court, on its ruling, when he said that he would not stand in the way of children being separated and released to outside agencies in the community by state welfare departments? This appears to be having your cake and eating it too. While the threat of an appeal hangs over refugee families in the continuing battle between executive government and the judiciary for authority in the human rights debate, the immigration minister, in the guise of compassion, handballs the authority to the states, which have to justify the separation of children and families as civilised behaviour.

As well, as Julian Burnside QC noted, how long would the appeal process take before any consideration to release was undertaken? Little wonder that the state Minister for Social Justice has requested that the immigration minister clarify the situation in regard to the splitting of families as to both what he intended and what he deemed as fair. Given the recommendations of the Layton report, the only fair and acceptable option would be the release of both children and their families into the community's custody. We await an unequivocal and compassionate response from the immigration minister.

RURAL AREAS

The Hon. D.W. RIDGWAY: Today I draw the attention of the council to one of my favourite topics, one that is very easy to talk about, namely, the neglect of our rural areas under the policies of this government. While it is no great surprise that the Labor government undervalues our country areas, I cannot work out yet whether this government is mean-hearted or plain incompetent, because there seems to be no understandable reason for this ongoing attitude of neglect.

For instance, I watched with interest the recent news items on Outback roads. It seems that minister Wright had a better idea of what it was like to drive around the Port Pirie area

than did the 3 313 local people who signed the recent petition given to the minister to reduce the speed on George's Corner just outside Port Pirie from 100 km/h to 80 km/h. Presumably these local people, who lose their friends and relatives in accidents at black spots such as George's Corner should not take seriously the minister's own rhetoric. The minister's own media release contradicts his action, and I will quote from that release of 29 June this year entitled 'Only 10 kilometres in it, but does it save lives?' In the media release he states:

> Research undertaken by Prof. Jack McLean has indicated that remarkable reductions in the serious casualty crashes are possible, even with small reductions in vehicle speed. A 5 km/h speed reduction of all vehicles would lead to a 30 per cent reduction in serious injury and fatality crashes, and a reduction of 46 per cent if drivers lowered their speed by 10 kilometres per hour.

Minister Wright's own statements support the concept that reduced speed limits are better for everyone, yet the council and residents feel he has ignored their petition in failing to consider what their community wants for the roads they use.

Monday's triple road fatality near Oodnadatta highlights again the fact that our Outback roads are in a seriously deteriorated condition and that the failure of this government to provide additional funds for regional arterial roads is costing lives. The Australian Workers Union contends that $2.25 million was cut from Outback roads funding last year and AWU organiser Rod Stews says that the union pointed out its concerns about road safety issues to Transport SA in August last year, yet there has been no additional funding for regional arterial roads in the latest budget.

I am not sure whether this government truly understands that the safety of these roads is a matter of life and death for rural drivers and for tourists, whose experience on the Outback roads often feeds back into the population as a region's tourist destination. In the media release sent out yesterday the minister makes the generous statement that there has been no cut in spending on Outback roads. Given that the minister's government has slashed nearly $4 million from the unsealed Outback road budget since the Liberals were in government, this statement reveals once again the fact that beneath the froth and bubble of his statements there is no substance to the government's rural and regional roads policy. Our state deserves better.

I would like to say that my concerns end here, but the roads issue is only the tip of the iceberg as far as rural neglect is concerned. Cuts to FarmBis of $6 million, regional housing of $18 million and a $5 million reduction in the overall capital investment in primary industries, the introduction of a water tax coinciding with the overall reduction in water use—proof that the Rann Labor government, as the Hon. Bob Sneath says, does not care about farmers, does not listen to them and does not listen to the bush.

INTERNATIONAL CONFERENCES

The Hon. IAN GILFILLAN: It is my pleasure to announce to members who may not know that two quite significant international conferences will take place in Adelaide, the natural home of well-run conferences—national or international. Next year there will be an Australian Linux conference. Linux is the identification in the computer world with open source software, and members know how vigorously the Democrats have been promoting its use by the government and others. It will be held at the university in January next year. It is one of three major international grassroots open source conferences worldwide. The other two are at Ottawa and major developers and spokespeople for open source around the world will be in attendance. It is therefore doubly a shame that the government, certainly the Minister for Administration, has paid scant regard to open source software for government use. I hope the fact that the international conference is being held here will jolt them into a much more favourable approach to open source software.

The other international conference is in fundraising. An international fundraising conference will be held in South Australia quite soon—in August. The hosting entity in South Australia is the Fundraising Institute, Chapter 4, South Australia and Northern Territory. Charitable and not-for-profit organisations have increased in number over the past several decades and one of the main reasons is the partial outsourcing of many services that governments have historically provided, such as emergency shelter, disability education and health care for the aged. The Fundraising Institute is in fact a professional organisation which trains people as professional and competent fundraisers.

As well as organising the international conference next month, the organisation wishes to have closer involvement with the state government. It needs to be recognised by the state government so it can have membership on advisory committees involved with decisions regarding the various forms of fundraising. They request consultation on matters relating to fundraising and volunteers, as the organisation is made up of fundraisers dealing with these issues daily.

It is important that the parliament recognises the value of the fundraising industry, in that it raises so many funds for essential services in South Australia. The mission statement of the Fundraising Institute is: 'Through education and training develop excellence in professional and ethical fundraising to advance philanthropy in the Australian community.' As the fundraising profession continues to expand, the expectation is that fundraising staff hold qualifications in fundraising and business management. The FIA is the only nationally accredited training authority for fundraising in Australia and offers a diploma of fundraising management.

It is involved with a wide range of services and activities and I will identify a few of them. Members in the Fundraising Institute work for fundraising for community services, accommodation, food and clothing services, aged care in homes, blood transfusion services, drug referral, employment and training services, specialist education, counselling, legal justice services, emergency services, environmental, educational, religious, cultural, arts, recreational and, not to be ignored, development assistance overseas.

The membership is vast and of high repute. To mention a few: the Adelaide Central Mission; Australian Red Cross; Royal Adelaide Hospital Research Fund; Royal Flying Doctor Service; Save the Children; the Mary Potter Foundation; and, Wetland Care. That is selecting a few from the list, but we can see that these organisations are of prime importance in South Australia, providing essential services to a caring community. The people in charge of fundraising are trained by the Fundraising Institute, South Australia. We should be proud of them and of the international conference to be held next month.

ELLA WOOD FAIRY FOUNDATION

The Hon. J.S.L. DAWKINS: The Ella Wood Fairy Foundation is a children's benevolent foundation dedicated to a little girl called Ella Wood, who died as a result of

vehicle trauma in 1999. Aimed at addressing the immediate and ongoing needs and issues of individuals and their families affected by vehicle trauma across our state, the Ella Wood Fairy Foundation Incorporated, otherwise known as ELFF, was established in 2000. The foundation's primary consideration is given to the children who have been affected. However, it also recognises the importance of addressing the support needs of the entire family so that they will be able to provide more effective care for their injured child and other children affected by the grief or loss of a sibling. ELFF is a unique organisation run by volunteers.

It is a not-for-profit tax deductible charity addressing an identified gap in human service provision in South Australia. ELFF's mission is to provide support to individuals and their families involved in, or directly affected by, vehicle trauma, and to contribute towards prevention initiatives. The foundation regards vehicle trauma as incidents involving a carriage or conveyance of any kind used on land or in space, such as a motor car, bus, train, boat, aeroplane, bicycle, skateboard, etc.

ELFF aims to provide immediate, practical and ongoing support through the timely distribution of practical goods and services to families when in need, providing information and referral regarding appropriate professional support resources, working in cooperation and collaboration with other road safety related organisations to educate and inform the general public about vehicle safety prevention, and supporting relevant research initiatives.

Central to the ELFF philosophy is a commitment to timely and practical family support. The ELFF 'Helping Hands' basket is stocked with daily living, food and household essentials, including complimentary domestic support service vouchers. The baskets are distributed to families and their children at the discretion of the South Australian police force and social workers at public hospitals. The ELFF 'Play Box' is stocked with a range of toys specifically for children and has been developed to assist police visits to the homes of families affected by vehicle trauma.

As well as assisting families, ELFF provides information to professionals and the community in relation to vehicle trauma, and the impact of vehicle trauma on children and their families. It also identifies that accurate and effectively presented information can raise awareness, promote understanding, enhance support, and can also be preventative. ELFF is receiving increasing referrals from South Australian schools, professional service providers, agencies and community groups requesting specific information regarding prevention initiatives and support for victims of vehicle trauma.

It is planned that information in a range of subjects relevant to families affected by vehicle trauma will be distributed with ELFF support baskets and made available through community health and human support service centres. I understand that that information is being developed as I speak. I know that the great commitment of all involved with the foundation towards assisting families who have been affected by road trauma is greatly appreciated by those families and the people close to them. I commend all the volunteers who have contributed towards ELFF's valuable role in the South Australian community.

GENETICALLY MODIFIED FOOD

The Hon. NICK XENOPHON: I refer to the very important issue of genetically modified foods and crops and the debate that has been raging not only here in Australia but overseas. This is an issue that is very dear to my heart and also to that of the Hon. Ian Gilfillan, given his consistent, persistent campaign on this issue, and my colleague the Hon. Julian Stefani, who has raised concerns about genetically modified crops and foods on a number of occasions in this chamber.

Last week, an office of the Blair government issued a report on genetically modified food, and it was the subject of considerable comment in the UK press and also the subject of comment by Mr Michael Meacher, a former environment secretary (a former minister for the environment, in effect) in the United Kingdom. That report made clear that there were real risks in proceeding with genetically modified crops and foods, that there were very serious scientific concerns, and, despite the best spin of the Blair government spin doctors, they could not run away from the fact that the report concluded that there was little economic benefit from genetically modified crops and that there were very serious concerns that genetically modified crops could have a very serious adverse impact on the agriculture industry in the UK.

The Hon. Michael Meacher, in a debate in the House of Commons on 4 July, raised a number of issues about genetically modified foods, and it is worth quoting him in the context of the debate that is currently taking place in this state and around Australia on this issue. Mr Meacher said:

> On the environmental side, the Government's chief scientific adviser is on record as saying that the ambit of the farm scale evaluation trials is extremely narrow in that it is confined to examining the biodiversity impacts of different herbicides. That is undoubtedly right.
>
> The trials are carefully focused on testing environmental impacts under optimal conditions, and do not reflect how farmers would actually behave under the commercial pressures of the marketplace. They do not address the problems found abroad, such as the incidence of volunteers and multiple gene stacking. They exclude questions about soil residues, direct feeding trials for birds and extra herbicide use under market conditions where the focus is on maximising yields rather than protecting the environment. In addition, they do not take account of the fact that the analysis of 100 isolated fields is an inadequate basis for predicting the very different results that would accrue from full-scale commercialisation.

Mr Meacher went on to say:

> Worse still, such systematic testing in terms of GM foods has not even begun to be carried out. Americans have been eating GM foods since 1996—this is often said—but no monitoring of the long-term clinical or biochemical impacts has been carried out. However, there is some worrying circumstantial evidence. What is known is that, coinciding with the introduction of GMOs in the United States, food derived illnesses are believed by the official US centres for disease control to have doubled during the past seven years.

That is something that we ought to consider very carefully before we go down the path of allowing the commercial production of GM crops in this state, in the context of their potential health impacts. Mr Meacher also made the point as to how the future of the organic sector can not only be fully protected but also substantially enhanced. This government goes on and on about this state having a clean and green image. I cannot see how that clean and green image can be protected if we allow the commercial introduction of genetically modified crops. Mr Meacher also makes the point about liability provisions, and that is something that the Hon. Ian Gilfillan has raised on a number of occasions. Mr Meacher said:

> At present, there is no liability provision in the UK and there will be no provision for what the lawyers call, somewhat curiously, traditional damage, which means economic loss under the EU environmental liability directive, even if that directive is not—it is currently before Brussels—watered down over the next few years.

The only alternative is the Victorian law of nuisance, but everyone agrees that that will not provide the protection required in the different circumstances of GM contamination, which it was never designed to meet.

These are very important legal issues. Farmers in this state who want to be GM free need to be assured that, if there are GM crops in this state, they will be protected legally and that they will not lose their livelihood by contamination, and that is a very serious concern.

NATIONAL WINE CENTRE (RESTRUCTURING AND LEASING ARRANGEMENTS) (UNIVERSITY OF ADELAIDE) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a second time.

In response to projected ongoing operational losses for the National Wine Centre, the state government brokered an arrangement with the wine industry during 2002 that aimed to provide a viable future for the centre and remove the need for ongoing subsidies. Under the arrangement, the Winemakers Federation of Australia (the Winemakers Federation) was to lease the centre from the government for $1 a year and take responsibility for its management and operation.

The National Wine Centre Restructuring and Leasing Arrangements Act 2002 was assented to in August 2002 to facilitate the transfer of the management and the operations of the National Wine Centre to an entity controlled by the Winemakers Federation, but it has yet to be proclaimed. Under the provisions of the National Wine Centre Act 1997, the Treasurer became the governing authority of the National Wine Centre and delegated his powers to a subsidiary of the Winemakers Federation. In late 2002, the Winemakers Federation advised the Treasurer that the National Wine Centre could not be made to trade profitably on the agreed basis. At the request of the Winemakers Federation the Treasurer withdrew his delegation, and appointed Ferrier Hodgson to take responsibility for the operation and management of the National Wine Centre, analyse and review those operations, and make recommendations on possible strategies and alternatives for the centre. In February 2003 the government gave in principle approval to a proposal from the University of Adelaide to use the wine centre as a base for education and research in grape growing and winemaking, as well as wine appreciation and marketing. Subject to finalisation of arrangements, the university is to pay the state government $1 million to take over the centre on a 40-year lease from 1 September 2003.

The University of Adelaide is committed to retaining the facility as the National Wine Centre; however, amendments are required to the National Wine Centre (Restructuring and Leasing Arrangements) Act 2002 to facilitate the operation of the National Wine Centre within the context of the university's activities, and to effect the transfer of the National Wine Centre facilities to the University of Adelaide. The bill, therefore, provides for the university to use the centre as a facility for tertiary education programs and scientific or other research relating to wine, and other uses as appropriate to the functions of the University of Adelaide as declared by the minister. The bill also provides for a long lease term of 40 years rather than 25 years. I commend the bill to the council. I move:

That standing orders be so far suspended as to enable the bill to pass through the remaining stages without delay.

Motion carried.

The Hon. IAN GILFILLAN: The Democrats have been strongly opposed to the wine centre in its present location and, therefore, it is with no joy that we see its continuing use in any shape or form, but if there were to be a preference it certainly would be that an institution such as the university using it is preferable to a commercial industry such as the wine industry. However, there are some aspects of the legislation which leave us with some concern. One is that we believe the 40-year lease is excessive, bearing in mind that this particular facility has had a very chequered past. It is not clear, in fact, whether the University of Adelaide is going to continue to conduct what is virtually a commercial enterprise, in so far as its being a restaurant or a wine selling or a wine display centre. It appears as if that is to be part of their activities.

We do not believe this marries well with the espoused cause of creating this facility as an educational institution. The University of Adelaide's ability to maintain the building and to continue to use it profitably is not, in our view, guaranteed and we also believe that there ought to be some clearer indication of exactly what the Adelaide University is going to do, not only with the building, but also with its environs. We believe that the vineyard—which never should have been placed there and which, in fact, poses a risk of phylloxera being spread to the industry—should be removed.

This matter has been stampeded through so that the embarrassment of the wine centre can be got off the back of this particular government. I have sympathy with this government because it certainly is not responsible for the total disaster that the wine centre became. It really was the brainchild of the Olsen government, but aided and abetted by the opposition at that stage, so they must share part of the responsibility. The Democrats will not oppose the bill, but in the government's concluding contribution to the debate, we ask that they provide more detail than we have had to date as to the precise details of the commitment that the university has been obliged to make as far as its tenure and the justification for the 40 years are concerned. The justification of the 40 years would be more likely to be entertained if the university had been obliged to put up large amounts of money and a large commitment, but $1 million for the use of that facility for 40 years is probably the cheapest real estate rental anywhere in Adelaide.

Members interjecting:

The Hon. IAN GILFILLAN: Democrats headquarters would be a preferable use, I must admit. It would be more environmentally friendly. However, I do not want to be drawn into taking up more time. I seem to have provoked supportive noises from the opposition benches, but I conclude by indicating tolerance for the bill as being the lesser of many evils and I do ask again that, in the conclusion of the debate, we are given more specific detail of what the lease arrangement obliges the University of Adelaide to do with the building and its environment.

The Hon. R.D. LAWSON secured the adjournment of the debate.

CRIMINAL LAW (SENTENCING) (SENTENCING GUIDELINES) AMENDMENT BILL

The House of Assembly requested that a conference be granted to it respecting certain amendments in the bill. In the event of a conference being agreed to, the House of Assembly would be represented at the conference by five managers.

The Hon. P. HOLLOWAY (Attorney-General): I move:

That a message be sent to the House of Assembly granting a conference as requested by the house; that the time and place for holding it be the Conference Room of the Legislative Council at 5.45 p.m. today; and that the Hons P. Holloway, R.D. Lawson, D.W. Ridgway, R.K. Sneath and T.J. Stephens be the managers on the part of the council.

Motion carried.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE: WORKCOVER

The Hon. J. GAZZOLA: I move:

That the report of the committee on the Statutes Amendment (WorkCover Governance Reform) Bill be noted.

The Hon. IAN GILFILLAN: I take this opportunity to speak briefly to this report and to comment on its ingredients. One of the significant aspects is a motion which I moved—I am a member of the committee—that the Workcover governance bill be referred to that committee for deliberation prior to its passage through this parliament. It was agreed to—with one dissenting voice—by the committee that that be included in the report.

I have since had conversations with the Minister for Industrial Relations who has given me an undertaking that the government will refer not only the Workcover governance bill but also the occupational health and safety bill, which is currently before the House of Assembly, to the Occupational Health Safety and Compensation Committee for assessment prior to passage through parliament. I appreciate that and, as I have indicated privately, that will obviate any need for the Democrats to support a further motion that is on the *Notice Paper* of Hon. A.J. Redford to have it referred to the Statutory Authorities Review Committee.

The Hon. A.J. REDFORD: I acknowledge the comments made by the Hon. John Gazzola and the Hon. Ian Gilfillan. The Liberal Party's position is that we would prefer the matter to be dealt with by the Statutory Authorities Review Committee, which is better resourced, which sits more often and which is charged with the responsibility of looking at statutory authorities, within which WorkCover fits fairly and squarely. I also know that the members on that committee are uniquely qualified to deal with these issues. For that reason, it is the opposition's position that such an inquiry should be referred to the Statutory Authorities Review Committee. In addition, there are issues associated with WorkCover that are far broader than just the issue of governance, and the Hon. Nick Xenophon has quite capably and correctly identified just some of those issues. I endorse this motion that the committee's report be noted.

The Hon. J. GAZZOLA: I thank all members for their positive contributions.

Motion carried.

OCCUPATIONAL SAFETY, REHABILITATION AND COMPENSATION COMMITTEE: ANNUAL REPORT

The Hon. J. GAZZOLA: I move:

That the 2002-03 report of the committee be noted.

I thank all members who participated in the compilation of the report.

The Hon. A.J. REDFORD: On behalf of the opposition, I thank all members and staff for the work that they have done over the past 12 months. Whilst we have met fairly sporadically (it is certainly a committee that does not meet all that often, because of the lack of resources), I think that all members have endeavoured to work diligently. I particularly thank the current chair of the committee, who has always chaired all the meetings in which he is involved in a very fair, open and frank manner.

The Hon. J. GAZZOLA: I echo the sentiments expressed by the Hon. Angus Redford.

Motion carried.

MOTOR VEHICLES (ROADWORTHINESS INSPECTION SCHEME) AMENDMENT BILL

The Hon. T.G. CAMERON obtained leave and introduced a bill for an act to amend the Motor Vehicles Act 1959. Read a first time.

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

That this bill be now read a second time.

I rise today to introduce a measure to make South Australian roads, cars and families safer. A great deal of attention has been paid to road safety in the last couple of years. Whilst I have had my disagreements with minister Wright on past issues, I do support the focus—the spotlight, if you like—that he is placing on road safety. It pleases me when I hear comments being made by the minister to the effect that no stone will be left unturned in the government's quest to try to reduce the road toll. I am also fortified when I hear comments made by the Hon. Bob Such to the effect that any measure is worth trying if it will save the life of one South Australian.

In view of the legislative spotlight that is now being placed on road safety, and the attempts to track down all the contributory causes to the appalling road carnage in South Australia, I have introduced this bill as a further measure for consideration by the government. During the deadlock conference of the Legislative Council, minister Wright indicated that his government was serious about road safety (and I believe him), and that it was seriously preparing a second set of measures. I gained the impression that we are facing a new bill in the first half of next year which, again, will have the objective of attacking South Australia's appalling road toll. I commend the minister for that, and I encourage him to continue to walk down that path.

I have had a lot to say in this place about speeding vehicles and speed cameras. Whilst speed is a factor (some might argue a major factor; there are a number of major factors in road accidents), quite frankly, I have come to the view that unless governments have unlimited resources and the will to place motorists before their own Treasury coffers I am afraid that this factor will not be mitigated. There are, however, other major factors contributing to motor vehicle

accidents. One of them is unroadworthy vehicles, and that is what this bill is about.

By its own definition, an unroadworthy vehicle is one that is not worthy to be driven on the road: it is unsafe. Yet, there is no mechanism in South Australia to test our vast fleet of cars (which, I remind members, are the oldest in Australia). The question is: are they safe to be driven on our roads? Unsafe and unroadworthy vehicles are estimated to be the major contributing factor to between 1.5 per cent and 10 per cent of all road accidents. It is logical to conclude that getting unroadworthy vehicles off our roads could lead to a cut of up to 10 per cent in our road fatality rate; it will stop some accidents altogether and will stop some from being serious. It is perfectly logical to conclude that removing unroadworthy vehicles from South Australian roads will lead to a lowering of the number of accidents on our roads and a lowering of our road fatality rate. In other words, it will contribute to the efforts being made to reduce accidents and to reduce our road toll.

I can recall both the Hon. Diana Laidlaw, when she was minister for transport, and subsequently the Hon. Michael Wright, the current Minister for Transport, referring to the fact that we have a higher accident rate and road toll per capita here in South Australia than in all the other mainland states. Perhaps the state of our unroadworthy vehicles is a contributing factor to that disparity, because we are, in fact, the only state in Australia that has not introduced some kind of measure to try to do something about what are affectionately known as the 'old bombs' that spew and belch out smoke on South Australian roads.

In a recent survey by MacGregor Tan, on behalf of the Motor Traders Association, 72 per cent of all people surveyed were in favour of some form of motor vehicle inspections, while 20 per cent were opposed and 8 per cent were undecided; 83 per cent agreed that compulsory inspections would result in having safer cars on the road; 80 per cent believed that compulsory inspections would guarantee that you would purchase a roadworthy vehicle; and 75 per cent believed there would be environmental benefits from such a scheme.

South Australia Police has launched an advertising blitz to bring the issue of unroadworthy vehicles to the public's attention. This brochure (entitled 'Unroadworthy vehicles cause injuries and cost lives') lists the five main defects contributing to a crash as tyres, brakes, lights, suspension and rust. I want to remind members again that the South Australian Police Force—the body we have charged with the responsibility for monitoring and policing South Australian roads and often the first ones on the scene when someone is seriously injured, dying or dead from a vehicle accident—has entitled a brochure 'Unroadworthy vehicles cause injuries and cost lives'. So, here we are, our own police force is not only telling us that unroadworthy vehicles cause injuries and cost lives but it has launched an advertising blitz and has produced a brochure—and I will say it again for the third time—entitled 'Unroadworthy vehicles cause injuries and cost lives'.

If South Australia Police has launched an advertising blitz to bring this issue to the public's attention, and we have our own police force stating that unroadworthy vehicles are killing people on South Australian roads, I would respectfully suggest to the house that we ought to at least have a look at what the police force is on about. What is it that the police are trying to bring not only to the public's attention but, I would suggest, to the attention of North Terrace.

What would amaze most South Australians is that it can be simple things, such as poor tyre pressure or the presence of cuts on the sidewalls of the tyres. I refer to your own situation, Mr President, when you had the odious task of driving backwards and forwards to Pirie. I know from private conversations that you are someone who is very concerned about the country road toll. I would suggest that, when you were driving your own vehicle backwards and forwards to Port Pirie, and naturally cruising along at 110 km/h, you would have taken the time and trouble to ensure that your tyres had the correct pressure and that there were no unnecessary cuts and nicks, or nails or rocks in the sidewalls of your tyres.

There are other simple things, such as inoperative brake and indicator lights, and there is a whole range of more insidious problems. The main one, of course, being vehicular corrosion (commonly called rust). In other words, if a car has a significant amount of rust in it, and it happens to be involved in a collision with another car, stobie poll or tree, I am afraid it will just disintegrate. I have seen, on a number of occasions, cars I would describe as 'old rust buckets' that have disintegrated in an accident. It does not take too much to imagine the enormous difference between a car with a sound body and one riddled with rust. Indeed, the condition—

The Hon. R.K. Sneath interjecting:

The Hon. T.G. CAMERON: No, it is nothing like comparing the honourable member with Cathy Freeman, let me tell you. Anyway, we won't go into that out of respect for Cathy Freeman. The condition of a car can, quite simply, make the difference between a minor prang and a major accident. Members of this house have heard me talk before about having three teenage sons, who are now no longer teenagers. Like a lot of young men, they love their motor vehicles and, without going into any of the details, I can recall two incidents. One involved a nephew of mine, who, I believe, could well be alive today had he been driving a different car, and another involving a very good friend of one of my sons. She and her friend spent some six to nine months at Julia Farr. It was, I believe, a contributing factor that caused not only the accident but serious damage. In the case of my nephew, he was killed, and that fortified my interest in this matter and made me determined that, before I left this place, I would at least introduce a bill and force a debate on the matter to see whether or not I could pick up some support for an initiative that has been introduced right around Australia, in one form or another.

Here in South Australia, we still allow road users to place themselves, and their passengers—innocently, admittedly—in unnecessary jeopardy by driving unroadworthy vehicles. I do not think a week—or probably a day—goes by when I do not see on our roads some vehicle that is quite clearly unroadworthy and in a terrible condition. One cannot imagine that the owner or driver of the vehicle is not aware that he is driving an unroadworthy vehicle. Quite frankly, I am not sure whether a lot of drivers—and this is not meant as a criticism, because I consider myself one of those people—would know whether a vehicle was roadworthy or unroadworthy. Only a good and thorough inspection can identify these faults and give a driver the opportunity to rectify them before they cause or contribute to an accident. Therefore, with the enthusiasm and the blessing of the public, I introduce this bill to provide for a roadworthiness inspection regime in South Australia.

I mentioned earlier the support of the South Australian police force. It is my understanding, although I do not have

the full details, that the Royal Automobile Association has never supported a roadworthiness inspection regime.

The Hon. A.J. Redford interjecting:

The Hon. T.G. CAMERON: I understand they are supported by the regimes in the other states. I would ask the RAA, when it considers this bill, to look at it objectively. I am not sure whether the RAA has not looked at this issue with a vested interest, that is, it does roadworthy inspections and, as I understand it, the RAA generates hundreds of thousands of dollars of revenue per year from doing that. I do take the trouble to read the RAA *Motorer*, and I have listened to some of their representatives. However, I do not believe the RAA is acting responsibly, in the interests of its members, or fairly, by continuing its opposition to this matter when, in the past, it often relied on its attitude by conducting a survey amongst is members.

Well, in this instance, before it just jumps out and blindly opposes this bill because it may be protecting an income stream, I ask the RAA: why does it not ask its members? The RAA has conducted plenty of these surveys in the past, and it relies on these survey results to support its position. The survey conducted by the MTA indicated 72 per cent support. I am well aware that the RAA has an older membership, that is, one tends to join the RAA as one gets on in years. For example, I am middle-aged, perhaps more so, but my wife and I belong to the RAA because we do not want to get caught out in the rain.

I must have asked 30 or 40 young lads who have been up to my house over the past year or so how many belong to the RAA, and it is a fact of life that young people join up far less than older people. Knowing that people can become a little more conservative as they get older, I would be very surprised if a poll of RAA members did not come up with a figure of at least 70 per cent, if not higher. This measure is not just about safety: it is about giving car buyers confidence, and it is about revitalising our car fleet.

I do not have the statistics on hand, but I would make the point that far more dangerous waste is being dumped in South Australia than the low level waste that we intend to put in the repository. I am referring to the high level of rust buckets and vehicles that should not be on the roads that are currently being driven around on South Australian roads. If we are going to be brought into line with the rest of Australia, that is the only way it will stop South Australia's being the nation's dumping ground for defective, dangerous vehicles. It is somewhat ironic that we have an argument occurring about whether or not we will have a national repository for low level waste in South Australia, yet South Australia is currently being used as a dumping ground for all the older vehicles in Australia.

In other words, someone interstate has a vehicle that might be worth a couple of grand but they cannot get a roadworthy clearance for it. You know that it will cost you $2 000 or $3 000 to get the car fixed up. You do not dump the car. The car is often sold through a network in South Australia. I am on about bringing South Australia into line with the rest of the country. With this scheme in place, South Australia will be brought into line with the rest of Australia in terms of having some form of roadworthiness testing for passenger vehicles. We have the oldest fleets of cars in Australia.

The junk cars from other states are dumped here with impunity. With a bill such as this in place we would no longer have to accept this. This bill also has environmental benefits. Bringing unroadworthy vehicles up to code will save petrol and pollution emissions. It will stop fuel leaks, smoking engines and save families money. I doubt that there would be a member in this council, particularly the Australian Democrats, who have not driven behind some vehicle that is belching out smoke, and there is nothing more annoying. These old vehicles contribute far higher levels of pollution in South Australia than new vehicles.

I would like briefly to outline the position of other states with respect to motor vehicle inspection regimes. New South Wales and the two territories have annual inspection regimes. All other states, apart from South Australia, have random roadside inspections. Victoria and Queensland have change of ownership inspections. Change of ownership inspections are good for consumers, because it gives them confidence that they are buying a good quality, roadworthy vehicle. However, their main deficiency is that they do not capture all unroadworthy cars. Owners can hang onto unroadworthy cars instead of selling them because they do not want to undergo an inspection.

Quite frankly, with respect to some of these older vehicles, it is almost like pass the parcel as they get handed around from one young owner to another. I have seen some of these cars with four or five different owners in a 12-month period. In South Australia we have a situation where a car can be handed from one person onto another then onto another and, in each instance, the car is unroadworthy. Annual or regular inspections are good for motorists; they are good for people who use our roads. They ensure that a car kept for a long period of time is roadworthy. That is why I am arguing that we do need two types of inspections in tandem, and that is what I have incorporated in this bill.

The bill tries to correct the deficiencies in the change of ownership model while still providing the consumer benefits that model provides. A model in this bill provides for inspections at the time of change of ownership or transfer of registration for cars between five and 10 years old, and for biennial inspections for cars over 10 years old, regardless of whether or not they are sold. I will now go through the major provisions of the bill.

The bill establishes the roadworthiness inspection scheme. This scheme applies to all prescribed motor vehicles over five years old. This is calculated from the date of first registration. A prescribed motor vehicle is one that is designed for the principal purpose of carrying up to eight adult passengers, including the driver. Any car that is older than five years that is sold or has its registration transferred will need to have a current and valid roadworthiness certificate. It is an offence punishable by a $10 000 fine or imprisonment for two years to sell a prescribed motor vehicle without a valid roadworthiness certificate.

There are two exemptions to this: transfers between licensed vehicle dealers and sales where the car is not expected to be driven again, that is, to motor wreckers. Certificates must be displayed on the vehicle if it is offered or exposed for sale. When a car reaches the age of 10 years, and every second year thereafter, it must have a valid certificate of roadworthiness before its registration can be renewed. This provision is complementary to the requirement for a certificate as at the time of transfer or sale. A car over 10 years will need a roadworthiness certificate if it is to be sold or registered in each second year.

Roadworthiness inspection certificates are valid for two different periods. The first is in the case of a licensed motor vehicle dealer or credit provider. The certificate is valid for up to 1 000 kilometres or for three months, whichever comes first. In any other case, that is, private sales, the certificate is

valid for up to 2 000 kilometres or for two months, whichever comes first. These time limit provisions are identical to the Queensland scheme. They are designed to recognise that cars, subject to private sales, are more likely to be driven further, and cars in caryards are more likely to be sold over a longer time frame.

Inspectors must forward a copy of the certificate to the Registrar of Motor Vehicles. The registrar may overturn the decision of an inspector and may issue replacement certificates of roadworthiness. 'Roadworthiness' is defined in the bill as a car that does not have a deficiency. A car has deficiencies if:

(a) it does not comply with the vehicle standards under the Road Traffic Act 1961;
(b) it has not been maintained in a condition that enables it to be driven or towed safely;
(c) it does not have an emission control system fitted to it of each kind that was fitted to it when it was built; or
(d) an emission control system fitted to it has not been maintained in a condition that ensures that the system continues operating essentially in accordance with the system's original design; or
(e) it is not maintained in a condition that enables it to be driven or towed safely if driving or towing the vehicle would endanger the person driving or towing the vehicle, anyone else in or on the vehicle or a vehicle attached to it, or other road users.

Roadworthiness certificates are issued by accredited vehicle examiners once a car has passed a roadworthiness inspection and the owner pays a prescribed fee. I might have that one the wrong way around. I think that the government will get the fee first and then let the person know whether or not the vehicle is roadworthy.

There would be a fee payable, but they would conduct an inspection and then let the individual know. Accredited vehicle examiners are accredited by the Registrar of Motor Vehicles. They must also follow a code of conduct set out by the registrar. They may not carry out an inspection on a vehicle in which they have a direct or indirect pecuniary interest, or which is owned by an associate of the vehicle examiner. The penalty for breaching this section is $10 000 or two years' imprisonment. However, second-hand dealerships which also are licensed inspection stations may have their own inspectors issuing roadworthiness certificates for vehicles owned and to be sold by the business.

Examiners are exempt from liability if they act in good faith and with reasonable care in carrying out their inspection duties. A person who obtains or attempts to obtain an accreditation or forges or fraudulently alters or uses an accreditation or fraudulently allows an accreditation to be used by another person is guilty of an offence and can be punished by up to two years' imprisonment or a $10 000 fine.

Licensed inspection stations. These examinations must take place at a licensed inspection station. These licences for inspection stations may be issued to a person or company by the Registrar of Motor Vehicles. They are valid for three years. Licensed inspection stations must have appropriate equipment as prescribed by regulation, have a permanent building that is suitable for use as an inspection station, have a secure office area and comply with any prescribed conditions in the regulations.

Roadworthiness Inspection Committee. This bill also establishes the Roadworthiness Inspection Committee. The committee has broad functions to review the operation of the scheme, as well as to provide advice to the minister as to regulations made for the scheme, and to carry out any other functions assigned to the committee under the act or by the minister. The committee consists of five members appointed for up to three years by the minister: one member must be a man; one must be a woman; one must be a person nominated by the Motor Trade Association; one must be nominated by the Royal Automobile Association; and one must be a person nominated by the Australian Manufacturing Workers Union, which is the car union. Deputies may be appointed and, in the absence of the member, they may act as a member of the committee.

There is a general regulation-making power also included in the Motor Vehicles Act. Accredited vehicle examiners may, if after an inspection they are of the opinion that the vehicle has deficiencies and further use of the vehicle on the roads may give rise to an imminent and serious safety risk, inform the registrar, a member of the police force or an inspector under the Road Traffic Act or a person with the powers of an inspector under that act. A safety risk is defined as a danger to persons and property or the environment. This bill has many positive effects, and I will summarise as I conclude.

It will improve the image of our state's motor vehicle fleet. It will help stop our state being the nation's dumping ground for defective motor vehicles. It will have small but cumulative benefits for the environment. It will give second-hand car purchasers some peace of mind and confidence that they are purchasing a roadworthy vehicle. It will even help create employment and business for those in the motor trades but, most importantly, it will benefit this state's road users by helping to get unroadworthy cars fixed or out of circulation. That benefit will show itself in the road toll and the accident statistics and, in the end, that is the figure that I think most if not all South Australians care about. Through the measures outlined in the bill, it seeks to assist the South Australian government in the second phase of its program to try to reduce accidents and save lives on South Australian roads. I commend the bill to members.

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

SELECT COMMITTEE ON INTERNET AND INTERACTIVE HOME GAMBLING AND GAMBLING BY OTHER MEANS OF TELECOMMUNICATION IN SOUTH AUSTRALIA

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): On behalf of the Minister for Agriculture, Food and Fisheries, I move:

That the committee have leave to sit during the recess and to report on the first day of next session.

Motion carried.

SELECT COMMITTEE ON PITJANTJATJARA LAND RIGHTS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That the committee have leave to sit during the recess and to report on the first day of next session.

Motion carried.

SELECT COMMITTEE ON STAFFING, RESOURCING AND EFFICIENCY OF THE SOUTH AUSTRALIA POLICE

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

That the committee have leave to sit during the recess and to report on the first day of next session.

Motion carried.

LEGISLATIVE REVIEW COMMITTEE: GIANT CRABS

Adjourned debate on motion of Hon. J. M. Gazzola:

That the report of the committee on regulations under the Fisheries Act 1982 concerning giant crabs be noted.

(Continued from 9 July. Page 2748.)

The Hon. A.J. REDFORD: Given the state of the *Notice Paper* I will not be as long as I normally would be on an issue such as this. First, I thank my fellow committee members and the staff on what was a fairly lengthy and difficult but, indeed, quite thorough process. Secondly, the Hon. John Gazzola adequately outlined the issues, and the report covers the issues extensively and in some detail, and I will not traverse any of the ground. What I will say is that it was a difficult decision. I think the majority are wrong, but I would say that, wouldn't I! And I think the minority are correct, and I would say that also, wouldn't I.

I acknowledge the numbers. Later on I think we are dealing with this regulation so, because I can count and because it is the last Wednesday and we do not want to take up too much time, I will not be seeking to divide when we seek to discharge it, but I would like it on the record that the opposition supports the minority view. The final comment I make is to the Minister for Agriculture, Food and Fisheries. The committee was unanimous in relation to the first three regulations, in particular, and I would urge the minister, in his review of schemes and the regulatory framework of fisheries, to look very carefully at the recommendations made by the committee.

I do not think any one of us on the committee was comfortable with exactly what the minister did in this case and, in the end, it was a matter of judgment: members fell over one side of the line or the other. But I can say, I think, without risk of verballing other members, that there were deeply held concerns about the process adopted in this case, albeit perhaps for very genuine and good reasons. The other issue I wish to raise is that of recommendation 4. There are a number of fishers in this fishery who, in my view, have been poorly and badly dealt with and who have been left with a less than satisfactory result.

Recommendation 4 is that the Director of Fisheries formalise and improve measures for the collection of scientific information in relation to the giant crab fishery. What we did all agree on is that the state of the fishery and the extent of the resource are not known and that if it were known it would make everyone's job a lot easier. I would urge the minister to get on with this task as quickly as possible. I have had a meeting with a number of the fishers since the report has been tabled and I have asked all of them to urge the minister to go through with this recommendation as a matter of urgency.

If the minister gets annoyed by the lobbying, he can blame me for the calls and cards he might get. Finally, in that process I ask that the expert evidence given by Mr Levings be taken into account. I for one would think that it would be churlish or unreasonable if he was not given the task of undertaking the process. All of the experts, including Dr ward, the government expert, agreed that he was the pre-eminent expert in this area on the giant crab fishery and it would seem that, given that the Victorian government has used him for similar work in Victoria, he would be the appropriate person to undertake this task. With those few words I endorse the motion that we note this report.

Motion carried.

RECREATIONAL SERVICES (LIMITATION OF LIABILITY) ACT REGULATIONS

Order of the Day, Private Business, No. 5: Hon. J. Gazzola to move:

That the regulations under the Recreational Services (Limitation of Liability) Act 2002 concerning code requirements, made on 17 April 2003 and laid on the table of this council on 29 April 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

CRIMINAL LAW (FORENSIC PROCEDURES) ACT REGULATIONS

The Hon. J. GAZZOLA: I move:

That the regulations under the Criminal Law (Forensic Procedures) Act 1998 concerning qualified person's fees, made on 8 May 2003 and laid on the table of this council on 13 May 2003, be disallowed.

The committee recommends the disallowance of these regulations so that it can consider them in the next session of parliament.

The Hon. A.J. REDFORD: The opposition's position is clear. The only basis on which we are supporting the disallowance of these regulations is to enable the government to repromulgate the regulations so that the committee can continue looking into them. It should not be suggested that we are in any way opposed to the regulations; we merely want more time to consider the evidence currently coming before us.

Motion carried.

WORKCOVER

Adjourned debate on motion of Hon. A.J. Redford:

That the Legislative Council, having regard to the failure of the Minister for Transport to answer questions put to him on 26 March, 29 April, 1 May, 13 May, 14 May, 15 May and 29 May 2003, and the ministerial statement made on 24 March 2003 concerning the WorkCover Corporation of South Australia (WorkCover), requests the Statutory Authorities Review Committee to investigate WorkCover with particular reference to:

1. Any directions, advice, recommendations, suggestions or proposals made by the minister or his officers pursuant to section 4 of the WorkCover Corporation Act (the act) or otherwise.
2. Any other proposals, recommendations or suggestions made by the government to WorkCover relating to the affairs of WorkCover.
3. The reporting arrangements which existed between WorkCover and the government and the information given by WorkCover to the government pursuant to those arrangements relating to the affairs of WorkCover.
4. The nature and extent of the communication between WorkCover and the government and, in particular, the

communication relating to the financial position of WorkCover and generally, as to the administration of the affairs of WorkCover in relation to those matters.

5. Any proposals, promises, discussions or understandings between the minister or his officers and any other person regarding the resignation of the former chief executive officer or any other employee of WorkCover.
6. Any proposals, promises, discussions or understandings between the minister or his officers and any other person regarding the appointment of a chief executive officer or any other employee to WorkCover.
7. The deteriorating financial position of WorkCover.
8. The circumstances leading to the setting of the last levy rate by the board of WorkCover and whether the current processes of setting the levy can be improved.
9. The effectiveness of the claims' management arrangements of WorkCover.
10. Any other relevant matter.

(Continued from 9 July. Page 2752.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will keep my contribution as brief as possible as others are lining up behind me to say similar sorts of things in relation to our opposition to it. It is an unusual motion moved by the Hon. Mr Redford. It is a fishing expedition by the honourable member. He seeks in a non-bipartisan way to flush out some weaknesses that exist within the WorkCover legislation that covers all South Australian workers. We all know, and the minister knows, that there are deficiencies in the act that need to be examined, and alterations need to be made to improve the circumstances in which we find ourselves with the WorkCover Act in this state.

Since 1972 adjustments, changes and alterations have been made, and that is the normal sort of thing with legislation such as the WorkCover Act, given the type of coverage we have. Each state in Australia has difficulties and differences within our own acts in relation to administration, levies and payments for injured workers, and each jurisdiction has a different, although similar, approach to ours in relation to occupational health and safety and WorkCover.

It is a competitive area and one that needs constant attention with the changing nature of work, hours and awards, all of which need attention when dealing with WorkCover. The changing nature of the types of injuries that are emerging is another issue that all WorkCover constituencies have to face. RSI was a problem in the 1970s and early 1980s, and stress is now an issue in relation to the extra hours and considerable extra workload some people face in this deregulated world in which we live and work. There are a number of other issues that need constant attention in dealing with WorkCover.

There is a history of change and alternation. The changes the previous government made in relation to levies certainly impacted on the financial status of WorkCover. The current government will need to look at that and deal with it. We oppose the inquiry on the basis that there are other ways to deal with looking at occupational health and safety compensation and rehabilitation, but there are more stringent ways of looking at the issues the honourable member raises, and some of them are very nebulous. We oppose the motion and hope that it is dispatched quickly.

The Hon. IAN GILFILLAN: The Democrats oppose the motion, not because we have any resistance to most of these matters being looked at but, as I indicated in earlier debate, the government has given a guarantee, which I have accepted, that the WorkCover governance bill and the occupational health and safety bills before the other place will be referred to the Occupational Safety, Rehabilitation and Compensation Committee, and it seems quite bizarre to have legislation passing through this place without those bills being referred to that committee, which is set up ostensibly to do just that work. Most of the issues would be able to be addressed, at least in part, by the constructive approach of the committee during its deliberations. As a member of the committee I intend to be quite elastic in the areas of assessment of WorkCover. I am not so particularly interested in conversations and discussions between ministers and officers, although I have been very concerned about what appears to be an artificial reduction in levy rates.

The other point I make is that the Committees Act empowers a standing committee to take on a matter on its own motion so that, with matters which may not be addressed to his satisfaction, the Hon. Angus Redford may well be in a position to encourage the Statutory Authorities Committee to take up some of the slack. In the short term, I would encourage him to make as much use as he can of the constructive issues that he has raised in this motion. We are not supporting the motion but, in so doing, we are not indicating a blanket opposition to the intentions of the Hon. Angus Redford where it clearly can be shown to be in the best interests of improving the performance of workers compensation for employees and employers in South Australia.

The Hon. R.K. SNEATH: As the minister said, this motion is simply a fishing expedition by the Hon. Angus Redford. In his contribution in support of the motion, he embarrassed himself by again proving that he does not understand the issues. For example, he claimed that the Stanley report included a recommendation that small and medium enterprise programs be closed. As many members would know, there is presently a self-managed employer program, known as SME. It would appear that the Hon. Angus Redford has seen an acronym and assumed that he knew what he meant. That is the quality of the contribution that he made. In speaking to the motion, the Hon. Angus Redford said:

> The minister said that he would fix the problem but in that ministerial statement failed to state how he would fix it.

That statement is very hard to explain because, in his ministerial statement, the minister said, quite correctly, that the Liberal government caused this, the Rann Labor government inherited it, and the Labor government would fix it. That is what the minister said. He said that it would be fixed by sweeping changes to the board, changing the culture of WorkCover management, improvements to the governance structure of WorkCover Corporation, safer workplaces and better rehabilitation and return to work. Clearly these are very significant undertakings and they will take time to achieve.

However, we have already seen the introduction of a bill, the Statutes Amendment (WorkCover Governance Reform) Bill, to deliver on the minister's commitment to improvements in the governance structure, as he made clear in his ministerial statement, which the Hon. Angus Redford failed to understand. Another point that is relevant and arises from that bill is paragraph 8 of the motion, which states, in part, 'whether the current processes of setting the levy can be improved'. Clearly the government's view is that it can be improved, because that is part of the bill. That bill will be considered by the parliamentary Occupational Safety, Rehabilitation and Compensation Committee, and then by

both houses. The motion seems to want to have members of parliament debate the issue and, the proposal suggests, in not one, not two, but three places.

The fact is that the reduction in the average levy rate, which was a shocking decision, and the reduction in the rebate, which the previous government claimed responsibility for, have had a severe impact on WorkCover. They have been major factors in its deterioration. The fact is that investment markets have declined compared to the returns of the late 1990s, and everyone knows that. I am sure that even the Hon. Angus Redford and other members opposite, with all their money invested, would certainly know that. Even a casual observer of financial matters is aware of that!

The fact is that the WorkCover Board has stated that the liabilities of the WorkCover Corporation, tabled in parliament by the former Liberal government, may have been understated by as much as $100 million. The motion has no focus, it is simply a fishing expedition, one that seeks to ignore the actions that have been taken and the debate that will occur when the bills are debated and through the work of the parliamentary Occupational Safety, Rehabilitation and Compensation Committee. It is clear that opposition members have their heads in the sand and are trying to cover up to the public their previous mistake of rebating all employers, even those who did not have safer workplaces. Even those employers were given some sort of decrease and rebate, which is a bonus for being unsafe! What a joke! Why would they do that? This motion should be defeated. It is a fishing expedition, as the minister said, and I congratulate the Democrats on recognising that, as well.

The Hon. A.J. REDFORD: Sincerely, from the depths of my heart, I thank the Hon. Nick Xenophon and the Hon. Terry Cameron for their support. I understand that the Hon. Julian Stefani and all my other colleagues will be supporting it, so, on my counting and my estimates, this motion will succeed. I acknowledge that the Hon. Nick Xenophon does have a good insight into WorkCover, because he has practised as a legal practitioner for some considerable time in this area, and he raised a number of important and, in this case, relevant issues. This is the sort of issue on which he is qualified to make a contribution.

He indicated that the terms of reference might need to be expanded, and the committee internally could do that. On behalf of the Liberal opposition, let me say that, if the committee gets to the point where it thinks that these terms of reference are too narrow, the Liberal opposition will support any amendment that the Hon. Nick Xenophon might care to move within the committee to ensure that any line of inquiry is not closed off.

I would like to make a couple of points because some less than charitable comments were made by some other contributors in this debate. The Hon. Terry Roberts indicated that we should be more bipartisan on this. If he were the relevant minister, I would cop that on the chin. However, the last person that we on this side of the chamber would ever call bipartisan is this minister, minister Wright. He will never be called 'Bipartisan Wright' because he has never done anything in any way, shape or form in a bipartisan manner.

He also indicated that, since 1972, there were a lot of changes, and I have to acknowledge that. In my first six years in parliament, we used to get two sets of changes a year, and we were all spending more time on WorkCover than on the Hon. Nick Xenophon's gambling bills, and I think that the former CEO brought a great deal of commonsense to it. We have not had as much change in recent times as we experienced in earlier times. I know that you, Mr President, would agree with that assertion.

The Hon. Ian Gilfillan indicated that he wanted the matter referred to the Occupational Safety, Rehabilitation and Compensation Committee and, in a dispassionate way, I want to respond to that suggestion. The Occupational Safety, Rehabilitation and Compensation Committee simply does not have the resources to deal with an inquiry of this nature. We have a part-time researcher and, when we convened for the first time following the last election, I urged the committee to have fuller and better resources, but I did not receive support from anyone else on that committee. The government, to its credit, gave us the resources we asked for and I suspect that, if we had asked for more resources, we would have been given them. However, the members of that committee chose not to avail themselves of the opportunity to seek additional resources, and, as a consequence, we on this side of the chamber do not believe that that committee has sufficient resources to undertake a task of this nature.

Secondly, the committee does not have a great record of meeting on a regular basis. On occasions, we have met only once a year. That has changed a little bit in recent times, but even under the capable chairmanship of the Hon. John Gazzola we have only met four or five times. This is hardly sufficient to be able to deal with the issues of the magnitude that we have brought to the attention of this place.

My final comment is that if the members were genuine—and I know the Labor Party has jumped on the Hon. Ian Gilfillan's suggestion, which I acknowledge was made with sincerity and that he honestly believes that that is the best way to go, but I have no such feeling about the members opposite—and if they were serious about it, they would have moved a motion. But they have not done so. They have sat on their hands, they have hoped for this session to finish so that they do not have to front up to this extraordinarily important issue that is confronting the people and the taxpayers of South Australia.

The Hon. Bob Sneath indicated, in less than subtle terms, that he was not all that enamoured of this. I would hope that with the inevitable passage of this, that he will still acknowledge the direction given by the Legislative Council, embrace this inquiry in the fashion that he has done in some other areas (some of which escape my mind for the moment), and approach this task with energy and with vitality and with an open mind, although perhaps the last one is a forlorn hope.

The other thing that the Hon. Bob Sneath said (and I have to be amused), and I am not going to counter every single comment, was 'We ought to just get out of the way and let the minister fix it.' All I can say is, the minister has not fixed anything. This is 'minister sit on his hands' stuff. He has had an observer on the board for the whole of the year, he has had regular meetings with the chair of the board and the CEO, and he cannot even sign off on an appointment of a CEO of Workcover. This is the minister the Hon. Bob Sneath says we ought to just let get on with the job! All we can observe on this side of the chamber is that this minister does not get on with any job. This minister demonstrates the most lack of energy and the most lack of action of any minister I have ever seen since I have been in this parliament.

Today's editorial sums it up. This minister cannot even sort out a bus strike, he does not even look like he wants to sort out a bus strike. It would be unparliamentary of me to call a minister who did absolutely nothing on this issue the name that comes to my mind, but the word that is parliamen-

tary is that at the very least this minister is 'indolent' on just about every issue he is confronted with. I cannot think of one single issue where he has gone and done anything in any timely way. And today's editorial entitled 'Wright is wrong on the bus strikes' could equally be suggested to be, 'Wright is wrong on doing nothing'. That is what the government position is on this issue, and I have to say that, given the fact that we are losing $1 million every couple of days since this government has taken office, that is a lamentable position for a minister to find himself in. I commend the motion.

The council divided on the motion:

AYES (11)

Cameron, T. G.	Evans, A. L.
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.	Redford, A. J. (teller)
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	Stephens, T. J.
Xenophon, N.	

NOES (8)

Gazzola, J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Reynolds, K.	Roberts, T. G. (teller)
Sneath, R. K.	Zollo, C.

PAIR

Dawkins, J. S. L.	Gago, G. E.

Majority of 3 for the ayes.

Motion thus carried.

VICTIMS OF CRIME (STATUTORY COMPENSATION FOR VICTIMS OF CERTAIN SEXUAL OFFENCES) ACT AMENDMENT BILL

The Hon. R.D. LAWSON obtained leave and introduced a bill for an act to amend the Victims of Crime Act 2001. Read a first time.

The Hon. R.D. LAWSON: I move:

That this bill be now read a second time.

This bill arises out of recent amendments to the Criminal Law Consolidation Act made by this parliament in consequence of the joint committee that examined the Criminal Law Consolidation (Abolition of Time Limit for Prosecution of Certain Sexual Offences) Amendment Bill. The bill, which was originally introduced by the Hon. Andrew Evens, was the subject of an extensive report which recommended a removal of the bar against prosecutions for any of certain specified sexual offences which occurred before 1982. Following that report, as honourable members know, a further bill was introduced, which was supported by all sides and duly brought into law. However, the joint committee which examined that question did not have within its terms of reference the power to investigate the question of compensation for victims of these sexual offences which were committed more than 20 years ago now and in respect of which it may still be very difficult to obtain convictions by reason of the effluxion of time.

The Director of Public Prosecutions (Mr Paul Rofe QC) gave evidence, and also provided a written report, to the joint committee. It was his evidence that it would be very difficult for any person now to successfully prosecute a sexual offence that was committed before 1 December 1982. In making that statement, Mr Rofe acknowledged that these were serious offences. He expressed great sympathy for the victims of these offences. But it was his considered view that the impediments in the way of a successful prosecution were almost insurmountable, and he was reluctant to give to the victims of such offences false hope of satisfaction through seeing the perpetrators of these crimes prosecuted.

This bill seeks to provide compensation to the victims of these crimes who are unable to secure a conviction, and it does this in varying ways. I should mention to the council the present impediments that prevent the victim of a sexual crime committed before 1982 from recovering compensation. The first is this. Our system of criminal injuries compensation, which is now embodied in the Victims of Crime Act, is based upon the recording of a conviction. It is true that, in certain circumstances, compensation can be paid where there is no conviction but, by and large, it is necessary for there to be a conviction. However, any claim for compensation must be made within three years of the date of the offence. Moreover, the current act applies only to offences committed since 1 July 1978.

True it is that the current law does enable the Attorney-General, in his absolute discretion, to make an ex gratia payment to a victim who fails to meet the eligibility criteria. That power is usually exercised where it is not possible to obtain a conviction, for example, because of the mental incapacity of the offender who escapes conviction on the ground that, although the criminal act was committed, the offender did not have the requisite mental capacity to be found guilty, in our criminal law, of the offence. In those circumstances, very often, the Attorney-General does exercise the discretion. But it is an absolute discretion. Cases laid before the Attorney-General from time to time for the exercise of his discretion to make an ex gratia payment are not very numerous.

It is our view that a claim for compensation for the victim of a sexual offence who is unable to secure a conviction should not be a matter of grace and favour from the Attorney-General, or any minister. These victims of crime should be entitled, as of right, to the same compensation payable to other persons whose claims have not been adversely affected by the existence of a statutory bar that is now conceded to have been entirely inappropriate. It is, of course, true that a victim of a sexual crime could make a civil claim against the perpetrator of the crime, and a civil action for trespass would lie. However, under the Limitation of Actions Act, a claim of that kind would have to be instituted within three years, or within such further time as the court allowed in an application for an extension of time, based upon the discovery by the victim of new material facts. This would be a very difficult onus to discharge, in most cases of this kind. Moreover, it is quite likely that many of the perpetrators of these crimes do not have the means to satisfactorily compensate their victims. Also, they may have died, left the state or no longer be available for the service of process.

These particular victims are an unusual and limited class of victims of our criminal justice system. They are unique in the fact that, alone of all the offences in the criminal calendar, these sexual offences were not prosecutable after the expiration of a period of limitation. The bill seeks to give these victims a right to compensation under the Victims of Crime Act. It will be necessary for the victim to make an application to the court and to satisfy the court of certain matters, which I will come to in a moment. Under the bill, it is not envisaged that these victims will be deprived of their opportunity to apply for an ex gratia payment to the Attorney-General by means of the usual method. These victims will still be able to apply to the Attorney-General for compensation by way of ex gratia payment but, if they are dissatisfied

with their application to the Attorney-General, they will be empowered, under the provisions of this bill, to apply for statutory compensation. They must do so within three months after the notification of the Attorney-General's response. The sexual offences in respect of which such an application may be made are that immunity from prosecution for the offence existed immediately before the commencement of section 72A of the Criminal Law Consolidation Act because of the passage of time since its commission.

These particular victims, because of the circumstances and the effluxion of time, will not be required to establish proof of the offence beyond reasonable doubt. They will be entitled, under this bill, to satisfy the court, on the balance of probabilities, that they are the victims of a relevant sexual offence. These victims, like other victims, will be required to show that they suffered injury as a result of the commission of a relevant offence, and all the other provisions must be complied with. For example, the claimant will have to explain to the court why they failed to report the offence to the police within a reasonable time, and that is only reasonable in the circumstances. I think most people will accept, as I am sure the court will accept, that many victims of sexual crimes in the past, have, through fear of the offender or feelings of shame, chosen not to report offences of this kind. It will be necessary for the victim to establish that they did suffer injury arising out of the offence, and that injury can be physical or psychological.

In conclusion, and in urging the support of members for this bill, I make the claim that there is no true justice in this area without appropriate compensation. If this bill is supported by the council and by this parliament, it will ensure that an unhappy chapter of our criminal law can be closed, with compensation being provided to those people who have been the victim of the unfortunate limitation of prosecution time which stood for so long. I urge support for the bill.

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

CORRUPTION ALLEGATIONS INQUIRY

Adjourned debate on motion of Hon. R.I. Lucas:

That this council condemns the Premier, Mike Rann; Deputy Premier, Kevin Foley; former attorney-general, Michael Atkinson; and other senior members of the Rann government for conspiring to keep secret grave allegations of corruption and bribery involving a senior political adviser to the Premier, former attorney-general, Michael Atkinson, and other members of the Rann government who are now the subject of a police Anti-Corruption inquiry.

(Continued from 9 July. Page 2763.)

The Hon. SANDRA KANCK: The Democrats will be supporting this motion, and we do so in the pursuit of honest, open and accountable government and because the right of the electorate to know is fundamental to the continued existence of good democracy. I make it plain that we do not pursue this issue for personal reasons. The Premier's adviser, Randall Ashbourne, is someone whose company I enjoy, and it affords me no pleasure at all that his future now hangs in the balance. Nor do I gain any satisfaction at all from the discomfort of others in this affair. I stress again that it is not personal: we are not an opposition that is trying to claim scalps. This is about process and it is about standards. Silence is a cancer to democracy, and where it spreads rumour, innuendo and, potentially, corruption flourish.

I can understand the temptation there is to conceal allegations of wrong doing, but the political cost of dealing with such allegations, when they emerge in the glare of the media spotlight, is high, as the Rann government has found. In this instance, the leadership group of the Rann government allowed its political instincts to get the better of its ethical duty to the people of South Australia. It sought to minimise its own political pain and, in so doing, ignored the impact this might have on public respect for the institutions of government and parliament. It was the wrong decision, wrong in respect of its democratic duty and, ironically, in respect of its own political judgment.

The reputation of the Rann government has been sullied since the Liberal Party first began asking cryptic questions about this issue in another place a little over a fortnight ago. Had the matter been voluntarily aired in parliament and referred to the police when it first emerged, the political pain for the government would have been far less. Instead, there was a seven month delay between the initial allegations and the referral of the matter to the police Anti-Corruption Branch. That delay should not have been any more than seven hours, and the Rann government is now paying the political price. It is important, therefore, that it learns, through this process, a lesson in the principles of open, accountable, democratic government. The way to demonstrate to this parliament and to the people of South Australia that it has learnt the lesson is to table in the parliament all reports and documents related to this affair: the McCann report, the letter of reprimand to Randall Ashbourne, the police Anti-Corruption Branch report, the independent inquiry's report, and the 1998-99 investigation by SAPOL into allegations of interference in legal proceedings by the then leader of the opposition and now Premier, Mike Rann.

My question in parliament last week, as to whether the 1998-99 police report would be released, produced a savage reaction from the Premier. He launched a personal attack upon me. He appears to be very miffed that I dared to ask whether all who were interviewed at that time cooperated fully. In attacking me, the Premier missed the point. The incident that was the subject of the 1998-99 police report is the genesis of the Atkinson affair, and for a complete picture of this whole matter that initial report needs to be released.

The Premier has made great play of his administration's law and order credentials. That commitment will look like empty rhetoric should he fail the test of open, accountable government. Should the Premier fail to release all the relevant material at the appropriate time, parliament will want to know why. This is the first serious test of the Rann government's credentials, and it has made a poor start. It can and should correct its initial mistakes. The Democrats' decision to support this motion is one we have not taken lightly. We hope that the government will clearly hear the message: that ducking the issue, hiding the facts, being less than open, is simply not accepted and will not be tolerated in a modern 21st century democratic parliament.

The Hon. NICK XENOPHON: I cannot support this motion for a number of reasons. First, I believe the motion is premature. The matters raised, in the context of this motion, are serious matters, and they are currently the subject of a police Anti-Corruption branch inquiry. That inquiry should be allowed to carry on its investigations in an unfettered manner, and the cards should fall wherever they may as a result of that inquiry.

The Hon. Sandra Kanck interjecting:

The Hon. NICK XENOPHON: And I have a concern in relation to that. However, I have said that the standards that should apply to this government in terms of openness and accountability should be no less than the standards that, in opposition, the government expected of the former government in terms of its conduct and, in that regard, I refer to the second Motorola inquiry conducted by Dean Clayton QC (now Judge Clayton). In that matter, adverse findings were made in relation to the former premier, the Hon. John Olsen. I have said on the public record that I would be open to an inquiry which had broad terms of reference and which was headed by an eminent QC.

That inquiry could operate in an unfettered manner. However, I believe that we must wait for the outcome of the police Anti-Corruption Branch inquiry, and that is why I have reservations about voting in favour of this motion at this time. I believe that the police should do their job. Down the track there may well be a need for a further independent inquiry; and, again, I emphasise that the standards of openness and accountability expected of the former government by the then opposition were, I believe, quite reasonable standards. Those standards should be upheld and there ought to be a consistency in terms of that approach.

I believe that this motion is premature. We should let the police do their job. It may well be that, down the track, it will be necessary to look at this issue in terms of a further independent inquiry, similar to the Motorola inquiry that was undertaken by Dean Clayton QC.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I am not listed as a speaker. The motion is being carried by my colleague the Hon. Paul Holloway, who is unavailable at the moment. I would like to add a few comments in defence of the Premier, the process, the Hon. Kevin Foley, etc. The events that led to this situation (a motion about which we are presently debating) were carried out in an open and honest way. Much has been made of the delay between the questions being raised by the opposition in another house and the fact that the issues were not made public as soon as the inquiry had been put in place and reported on.

The Premier and the Deputy Premier have acted in an open and honest way, as one would expect. The situation with which we are now faced is the credibility of a number of people who dealt with this matter in an honest and open fashion and who have been drawn to account by the media. I must say that those who have dragged this into the broad media debate must be disappointed with the interest the media is showing at the moment. The media has dropped right off after the first few days of interest because they see that what the Premier did after he had been notified is what anyone would have expected to occur.

The public has not shown any particular interest in the issue and, if there had not been continual carping by the opposition, there would not be a motion such as this on the *Notice Paper*. In fact, time has overrun this item. Governments of all persuasion have issues about which investigations are carried out. I noticed in today's newspaper an inquiry into a minister in Western Australia who did not put forward the issue of an inquiry in relation to funding an Aboriginal organisation. People in Western Australia are calling for the minister's dismissal. They are calling for an inquiry.

Unfortunately, it is one of the stock tools of trade of oppositions in trying to separate out in the public's mind the difference between the major parties and the way in which the government in power can be differentiated by the honesty, integrity and openness of government. In a lot of cases within states, and certainly at a federal level, from time to time it is very difficult to tell the opposition from the government in relation to policies that are being pursued. The personal attacks that become stock and trade of oppositions today are, unfortunately, becoming just that: they are tools for undermining the confidence of the community in elected leaders and, in the main, they tend to throw a blanket over all our parliamentary representatives.

We all suffer by the actions of a few overreacting to try to get the public to pick up a position in relation to the honesty and integrity of a particular government in power. It is a disease that, as the major parties struggle for acceptance within the community, is getting worse. I think it is a bit of a catch 22: the more that state and federal oppositions attack the integrity, honesty and openness of individuals within government, the less likely we are to get the respect of the community when it comes to trying to provide leadership for change that is required to try to raise the standards of living of our constituents.

This is one of those issues where the net was thrown out to try to catch, first, the former attorney-general, and then, as the Deputy Premier defended the former attorney-general and his actions and the actions of the Premier, the net widened. The opposition is trying to claim the scalp of the Premier. Well, that will not happen. This motion will probably go unreported in the press. It has got sick of the activities and, hopefully, we can get back to good governance by rejecting this motion by waiting for the police report; and then, if the opposition has a case it can make out of the police report, by all means let it bring it into the council to debate it. I do not think that the motion will go anywhere.

The Hon. P. HOLLOWAY (Attorney-General): In my view, the Leader of the Opposition's speech when moving this motion last week was the grubbiest and most shameful contribution I can recall from anyone in my time in this parliament. Mr President, you will recall that you gave him some latitude in terms of the conventions that have been observed by generations of parliamentarians when dealing with allegations of criminal conduct. That is your discretion and I do not criticise you for exercising it as you did, but that you allowed it does not excuse the behaviour of the Hon. Rob Lucas.

We all have a responsibility not to abuse our privileged position as members of parliament. Each of us is individually responsible in that what we say in this place, what we put on the public record, is well-founded and does not unnecessarily damage the reputation of an individual, or unfairly and without good reason prejudice their legal rights, and particularly any hearings that might go before a court. That of course is the very basis of the sub judice rule; that is, that any matter before a court should not be canvassed in this parliament in the course of any speech.

Last week the Leader of the Opposition stood in this place and sought this council's condemnation of a number of people for, 'conspiring to keep secret grave allegations of corruption and bribery.' If the honourable member genuinely believes that there is some basis to these allegations, he must genuinely expect that criminal charges will be laid. If he does hold that belief, his contribution on 9 July is at best reckless and at worst consciously indifferent to the most basic rules of law that govern our society.

In canvassing allegations drawn from such sources as anonymous faxes and 'talk about town', he must or should have known that he would potentially be prejudicing matters that he believes should go before a court at some stage. The Leader of the Opposition made much of our standards in opposition when dealing with allegations of government impropriety or illegality. He sought to equate his own grubby tactics with those used by us when we were in opposition, suggesting that there was some similarity between his contribution and many of ours in opposition. He said that we had exhibited 'no concern in some cases in relation to the accuracy of some of the claims being made, a number of which were subsequently not proven.' 'A number of which', not all of them, you will note, Mr President, remained unproven.

He even referred to a speech by the former attorney-general. Notably, he did not explain the context of the then shadow Attorney's contribution, which was made in the context of the handing down of the Clayton inquiry into the Motorola affair. It was not wishful thinking, anonymous faxes or even talk about town that was being referred to: it was the public result of an inquiry that was entirely appropriate for canvassing in parliament. That was the context in which he spoke. If the honourable member had, as he said he had been, 'looking assiduously' at the contributions of the member for Croydon on this and related issues, it can certainly not be said that he absorbed any lessons from those contributions.

There is much more I could say on the offensiveness of the Hon. Robert Lucas's contribution, but I will confine myself to two points. The first relates to the following comments, where he said:

> I know by way of interjection and backgrounding of members of the media that current government members and some of their spin doctors have attempted to divert attention in some small way, I might say unsuccessfully, by referring to previous inquiries involving members of the former government, for example, in areas such as the Hindmarsh Stadium, Motorola and the issues with the Hon. Mr Ingerson in relation to a telephone conversation he had with a member of the racing industry and related issues. Not having 100 per cent knowledge of all the detail of those, what I can say as a member of the former government is that in none of those cases involving the racing industry, Hindmarsh Stadium, Motorola or a number of others I could also list, was there ever an allegation that a minister would potentially have a significant personal financial benefit from the actions that related to either that minister or people associated with that minister. There were claims or allegations about misleading the house, claims or allegations in relation to processes for contracts to build stadia, or contracts in terms of managing the attraction of major industries and new jobs to South Australia.

That is what the leader said. Clearly, the Leader of the Opposition feels that misleading the house, inappropriate procurement processes, an unauthorised negotiation by ministers of the crown, are lesser offences. This will come as no surprise to anyone who has some experience of his contributions. I am happy to stand corrected if I am wrong, but I seem to recall allegations of conflict of interest involving a former colleague of the Hon. Robert Lucas where a private company sought to purchase land that had been of interest to his own department. I believe I recall a suggestion that a former colleague of the leader might have been trading in the shares of companies that had commercial interests in areas governed by the minister's portfolio. Indeed, the honourable member was reminded of this by way of interjection. His response is noteworthy. He said:

> I do not think that ever went to an inquiry, to my knowledge. I am talking about those issues that went to an inquiry, whether it was a parliamentary privileges committee or a committee of the house, or whether it was an outside constituted inquiry.

Of course, there was not an inquiry: the Brown and Olsen Liberal governments had an allergy to inquiries. They only ever instituted them when the public pressure became so extreme that they could do nothing else and, when they were instituted, the level of cooperation they were offered by some in the previous government was anaemic, to say the least. The central assertion of the Leader of the Opposition is this: that for political reasons the conspiracy to cover up was concocted; that public servants of the highest calibre participated; and that the Premier of this state was the ringmaster. This is palpably wrong and provably false. Going through each constituent element of that allegation point by point, I deal first with the allegation of a cover-up.

When the matter of the alleged conduct involving a member of the Premier's staff, the then Attorney-General (Hon. Michael Atkinson) and the former member for Ross Smith came to the attention of the Deputy Premier and then the Premier, they acted immediately. The CEO of the Department of the Premier and Cabinet, Mr McCann, was informed and consulted. Mr McCann is the state's most senior public servant. He was appointed by the previous (Liberal) government. He has served both Liberal and Labor Premiers and is held in high regard. Does the opposition seriously suggest that, by informing Mr McCann, the government was embarking on a cover-up? That is just ludicrous.

What happened then? Mr McCann was asked to undertake an urgent and preliminary investigation to inquire into whether there had been any improper conduct or breach of the ministerial code of conduct or standards of honesty or accountability. Mr McCann was not instructed as to who should be interviewed and not instructed about the approach he should take. Significantly, Mr McCann was instructed that, if his preliminary investigation determined that any further inquiry was warranted, the Premier would consider whether or not it would be appropriate for the Attorney-General to stand aside pending the result of that further inquiry. Clearly, the Premier approached this issue with an open mind.

Clearly, he contemplated that further action may have been warranted, depending on the outcome of the preliminary investigation—which he himself commissioned. Where in all of that is there a cover-up? We saw plenty of those with the previous government: cover-up after cover-up. That is when we saw cover-ups. Appropriate legal advice was sought by Mr McCann. The preliminary investigation involved senior counsel from Victoria. Mr McCann was careful to ensure that there could be no suggestion of a conflict of interest. It was his view that the Crown Solicitor, as the government's lawyer, could have a conflict of interest in investigating this matter because of his officer relationship to the Attorney-General. Mr McCann therefore avoided any suggestion or perception of conflict or bias by not involving those who advised the Attorney-General on legal matters.

The preliminary investigation found that a further investigation was not warranted. But the government did not stop there. The Premier of his own volition wanted the Auditor-General informed. Accordingly, McCann briefed the Auditor-General and, on 4 December 2002, the Premier sent a copy of the McCann report to the Auditor-General. So much for a cover-up by the government! We know what the previous government thought about the Auditor-General, incidentally. I said that the speech last week was the most

disgraceful, and the second most disgraceful was the same person talking about the Auditor-General two years ago. He should be ashamed of it. The people of South Australia should be reminded of just how low some people can get at times. It shows total contempt for the office holders of this state, and we had another disgusting example in the other place today.

If ever low standards are around, you can be sure that the Liberal Party will never be far away. So much for a cover-up by the government. The Auditor-General was informed and he received a copy of the report. Is the opposition suggesting that by sending the Auditor-General the report the government was in cover-up mode? Is the opposition suggesting that the Auditor-General was somehow involved in a cover-up? We know what the Auditor-General said about certain members of the previous government. What did this government do when the Auditor-General made comments? They ran a million miles. We know the disgraceful story of that one.

But here, in this case, the Premier himself insisted that the information be sent to the Auditor-General. The Auditor-General is the state's independent watchdog. He reports directly to parliament. His independence is beyond question. What did the Auditor-General have to say about the matter? In his response he said:

> I have received the material made available to me with respect to the above mentioned matter enclosed in your letter of 4 December 2002. In my opinion, the action that you have taken with respect to this matter is appropriate to address all of the issues that have arisen.

The Hon. T.G. CAMERON: He was in on it!

The Hon. P. HOLLOWAY: In on what? The Hon. Terry Cameron says he was in on it. In on what? Perhaps one of these days some of these people might actually tell us what they were in on; what the allegation is. Perhaps we will know. The Auditor-General stated:

> In my opinion, the action that you have taken with respect to this matter is appropriate to address all of the issues that have arisen.

Clearly, the government was determined to have the matter dealt with appropriately. If this was an attempt at a cover up, it was most inept, given that it was sent to the Auditor-General. Perhaps the government should take lessons from the opposition on cover-ups. Members opposite are the experts on cover-ups. They made an art form of attempted cover-ups while in government. How long did it take before the Olsen affair was dragged out? Every step of the way they dragged it. No wonder they are looking for diversions.

Mr McCann, as part of his report, advised that, because of the potential for causing harm to people who have not had the opportunity to respond to things attributed to them by others, he did not believe it was appropriate to publicly release the report. For these reasons the Premier did not release the report publicly. He did, however, send it to the Auditor-General, who was also personally briefed by Mr McCann. The Auditor-General would then have been aware of Mr McCann's view contained in the report that it should not be released publicly.

The third point is whether the Premier had knowledge of Ashbourne's alleged conduct. The Leader of the Opposition claims that the Premier must accept responsibility for the actions of his staff and says, 'No-one will believe that Mr Randall Ashbourne acted as a rogue agent in relation to these issues.' He further says, 'No-one will believe that the actions he was undertaking were not known to the Premier and endorsed by him.' That is a bold and typically inaccurate assertion by the Leader of the Opposition. The Premier said in the house:

> I can say with absolute certainty that I was not aware of any such approach by Mr Ashbourne to Mr Clarke, if it was made, nor would I or my cabinet have agreed to such an approach being made to settle a court case.

The Leader of the Opposition's assertions are nothing more than political mischief making. So desperate is he for some sort of political advantage that he is prepared to sink to these depths to make baseless allegations and rely on so-called anonymous faxes sent to the Liberal Party headquarters. It is conduct that I would have thought was below even him.

On the fourth question of why Ralph Clarke was not interviewed, and as to who was spoken to during the course of the preliminary investigation, the following should be noted. The premier gave no instructions to Mr McCann about who should or should not be interviewed. The Premier gave no instructions as to the approach that should be taken by Mr McCann. The Premier did not give any instructions to Mr Beasley or the barrister who advised him. The Premier did not pick up the phone and try to influence the Auditor-General. The Premier called for an urgent investigation and contemplated the need for a further inquiry if necessary. He made no attempt to fetter either those involved in the investigation or the Auditor-General.

On the fifth matter raised by the leader about cooperation with the police, the Premier has said that he expects everyone to cooperate with the police in their inquiries. Certainly he has spoken with the police, as has the Deputy Premier, but the Premier cannot and should not do anything that may amount to or be seen as interference with police inquiries. He has consistently refused to interfere with the investigation. There are sound reasons why the Premier should not direct anyone as to how they should conduct themselves with the police. He should not direct staff to answer questions where possible criminal charges against an employee are being investigated. If he were to direct an employee to answer questions, it is likely that such answers would be excluded from evidence in any possible criminal proceedings.

It is important to note that neither the Premier nor I have any knowledge as to the likelihood or not of any person being charged with a criminal offence. A direction to fully cooperate with police might therefore compromise the prospects of any future prosecutions.

Members interjecting:

The Hon. P. HOLLOWAY: We saw eight years of Liberal standards—we witnessed them. They were so low. We saw eight years of their standards and know what they are like. What you would like us to do—

The PRESIDENT: I refer the minister to the time.

The Hon. P. HOLLOWAY: I will conclude my remarks. It is important to note that neither the Premier nor I have any knowledge as to the likelihood or not of any person being charged with a criminal offence. A direction to fully cooperate with police might therefore compromise the prospects of any future prosecutions. Such a direction to answer questions could amount to an interference with the police investigation and, on advice received, could be quite destructive. I will conclude with a quote from by David Cappo this week:

> I get very alarmed about what appears from time to time to be what I would call 'feral behaviour' by some of our politicians. South Australia deserves more than this. From time to time in our history—and it has happened recently over matters associated with the former attorney-general—in the legitimate, robust political debate some politicians simply go too far and I believe they end up demeaning the

political processes and the institution of our parliament and damage the tender fabric of our society. We don't need this.

In fact, South Australia can't afford this. We are a state with a relatively small economy and a small population with some very challenging needs. At this stage in our history all our politicians and all our community leaders should I believe either recognise the momentum that exists at the moment and move forward with it or at least not obstruct or play politics in ways that damage the confidence building and positive thinking that is occurring in South Australia. Engage in your political processes and have your intense and robust debate, but do it with restraint and care and in doing that make a real contribution to confidence building and keeping the focus on the productive energy in the community.

As a QC and a former attorney-general and, frankly, the fact that the shadow attorney-general could be involved in this matter in this sort of debate—and I presume he will support it—is appalling from the viewpoint of a long-standing convention in relation to matters under investigation.

The Hon. R.I. LUCAS (Leader of the Opposition): A number of issues have been raised by the Leader of the Government which, on another occasion, I will take particular interest in rebutting strongly. I will respond to two points made by the Hons Mr Xenophon and the Hon. Mr Holloway. I say to the Hon. Mr Xenophon that this motion is not prejudging the issue. This motion in effect relates to the allegation of keeping this issue secret for seven months. The bribery and corruption allegations will be determined by the Anti-Corruption Branch, an independent inquiry or some other process. Members of parliament are being asked to vote on expressing an opinion of condemnation of the government for keeping the matter secret for some seven months. It is open and accountable government. A number of issues are raised by the Leader of the Government, but given the time available this evening I would like to see a vote on this before the dinner break, so I urge members to support this motion of condemnation.

The council divided on the motion:

AYES (13)

Cameron, T. G.	Evans, A. L.
Gilfillan, I.	Kanck, S. M.
Lawson, R. D.	Lensink, J. M. A.
Lucas, R. I.(teller)	Redford, A. J.
Reynolds, K.	Ridgway, D. W.
Schaefer, C. V.	Stefani, J. F.
Stephens, T. J.	

NOES (6)

Gazzola, J.	Holloway, P.(teller)
Roberts, T. G.	Sneath, R. K.
Xenophon, N.	Zollo, C.

PAIR

Dawkins, J. S. L.	Gago, G. E.

Majority of 7 for the ayes.

Motion thus carried.

[Sitting suspended from 6.04 to 7.46 p.m.]

CRIMINAL LAW (SENTENCING)(SENTENCING GUIDELINES) AMENDMENT BILL

The Hon. P. HOLLOWAY (Attorney-General): I have to report that the managers for the two houses conferred together and it was agreed that we should recommend to our respective houses:

As to amendments Nos 1 to 4. That the Legislative Council do not further insist on these amendments.

Consideration in committee of the recommendations of the conference.

The Hon. P. HOLLOWAY: I move:

That the recommendations of the conference be agreed to.

I am pleased with the result of the conference and that this matter has been successfully resolved. I believe that the shadow attorney-general will explain his party's point of view. I thank the shadow attorney-general and members opposite for assisting to resolve this matter so that this bill can be enacted before the rising of the parliament.

The Hon. R.D. LAWSON: The vigorous debates of the conference of managers has produced a result which is satisfactory. The committee will recall that, in this chamber, a majority of members supported the amendments moved by me for the establishment of a sentencing advisory council in South Australia, a council similar to that introduced by Prime Minister Blair in the United Kingdom, by Bob Carr in New South Wales and by Steve Bracks in Victoria.

The Liberal Party still believes that a sentencing advisory council is an admirable mechanism to enable members of the public to have some input into the sentencing process. We agreed all along with the proposal that the Supreme Court be given formal power to promulgate sentencing guidelines, a power that it already has and exercises, and we certainly agreed with the formalisation of that power. However, the government was not prepared to accept the amendments made in this place, and it was claimed by the former attorney-general that the cost of establishing a sentencing advisory council was too great and that funds could not be found in the budget to accommodate the establishment of such an advisory council, notwithstanding the alacrity with which the government was able to find $1.6 million to ensconce the member for Mount Gambier in cabinet.

I indicate to the committee that the Liberal Party will be pursuing its proposal for the establishment in South Australia of a sentencing advisory council. We will pursue that vigorously, and I look forward to the support of the council when we bring that measure back on the resumption of parliament.

Motion carried.

CLARE AND GILBERT VALLEY DISTRICT COUNCIL

Adjourned debate on motion of Hon. J.M Gazzola:

That the District Council of Clare and Gilbert Valleys by-law No. 3 concerning council land, made on 17 March 2003 and laid on the table of this council on 27 March 2003, be disallowed.

(Continued from 28 May. Page 2441.)

Order of the day discharged.

LONG SERVICE LEAVE LEVY

Order of the Day, Private Business, No. 12: Hon. J. Gazzola to move:

That the regulations under the Construction Industry Long Service Leave Act 1987 concerning long service leave levy, made on 27 February 2003 and laid on the table of this council on 25 March 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

MARNE RIVER, SAUNDERS CREEK

Order of the Day, Private Business, No. 13: Hon. J. Gazzola to move:

That the regulations under the Water Resources Act 1997 concerning Marne River, Saunders Creek, made on 20 March 2003 and laid on the table of this council on 25 March 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

LOCAL GOVERNMENT SUPERANNUATION SCHEME

Order of the Day, Private Business, No. 14: Hon. J. Gazzola to move:

That the rules under the Local Government Act 1999 concerning the Local Government Superannuation Scheme (Allocated Pensions), made on 28 January 2003 and laid on the table of this council on 25 March 2003, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

CRIMINAL INJURIES COMPENSATION

The Hon. J. GAZZOLA: I move:

That the regulations under the Criminal Injuries Compensation Act 1978 concerning scale of costs, made on 19 December 2002 and laid on the table of this council on 18 February 2003, be disallowed.

The committee noted that these regulations do not ensure that victims of crime who apply for compensation are given adequate assistance in obtaining a medical assessment in relation to their claim.

The Hon. A.J. REDFORD: There are a number of resolutions in relation to criminal injuries compensation which the opposition is of the view ought to be disallowed, and there are two motions moved by the Hon. John Gazzola and also motions moved by the Hon. Nick Xenophon. We believe that these regulations ought to be disallowed for several principal reasons. The opposition has received submissions from Mr Jamison and Mr Mitchell, both of whom practise extensively in this area, and they have made quite strong criticisms of these regulations. Mr Mitchell is probably the pre-eminent expert on criminal injuries compensation in this state, and in this area I would bow to his great knowledge—he is, perhaps, a bit misguided politically, but you cannot always be perfect.

The regulations make some rules concerning costs and concerning the right of victims of crime to seek medical reports in support of their claims. Those rules restrict a victim's right to seek medical reports. The Legislative Review Committee was of the view that that would take away an important right of a victim to advance and present their case, and indeed I do not know of any other situation where a person's right in that respect has been so severely constrained.

The other issue relates to psychological issues, where the regulations suggest that you can only get a GP to report on it. That would be unfair and inappropriate, not only in relation to the victim but also in relation to the integrity of the system. Most general practitioners would acknowledge that they do not have the expertise to determine whether or not a victim is suffering from a psychiatric or psychological injury as a consequence of a crime. I know you, Mr President, would agree with that proposition, having regard to your experience in the union movement and dealing with injured workers and, indeed, in your former position as shadow minister for industrial relations and Workcover. The Law Society has also made similar comments and suggested that they be disallowed.

The legal profession, from time to time, is criticised for acting out of self-interest. Can I say that in this case the legal profession has put the interest of victims and its clients ahead of its own. In fact, the Law Society would realise that the disallowance of this regulation would in fact disallow a long overdue, and I mean an extremely long overdue, review of the fees payable to lawyers for conducting this work.

The reason why there are only two or three lawyers who do it now is because it is simply not economic for any lawyer to undertake this sort of work. So it all seems to go to the one or two lawyers who would run a fairly efficient scheme. These lawyers are saying, 'This is so unfair on victims I am prepared to suggest to this parliament that you disallow these regulations. We appreciate that the consequence of that is that we get reduced fees for the work we do.' Lawyers are often criticised, and there are a lot of lawyer jokes running around, but in this particular case the altruism of both Mr Jamison and Mr Mitchell in putting their clients, and victims, ahead of their own personal benefit is to be commended. I would hope that other members would acknowledge that. I will not go through the Attorney-General's response except to say that it is not sufficient in our view to allow us to support the promulgation of these regulations.

So, with those comments, I urge members to vote to disallow this regulation and that will enable the Attorney-General to go back and rethink the issue, particularly with regard to both the comments made by the Hons John Gazzola and Nick Xenophon in their contributions yesterday and of course the opposition's attitude to this.

Motion carried.

FISHERIES ACT

The Hon. J. GAZZOLA: I move:

That the general regulations under the Fisheries Act 1982 concerning size of pilchard nets, made on 23 January 2003 and laid on the table of this council on 18 February 2003, be discharged.

Motion carried.

LISTENING AND SURVEILLANCE DEVICES ACT REGULATIONS

The Hon. J. GAZZOLA: I move:

That the regulations under the Listening and Surveillance Devices Act 1972 concerning records and warrants, made on 12 December 2002 and laid on the table of this council on 18 February 2003, be disallowed.

The committee recommends the disallowance of these regulations so that it can consider them in the next session of parliament. It will enable the committee to consider additional information that will be provided by the Attorney-General in relation to their effect and operation.

Motion carried.

VICTIMS OF CRIME ACT REGULATIONS

The Hon. J. GAZZOLA: I move:

That the regulations under the Victims of Crime Act 2001 concerning application costs and levy, made on 19 December 2002 and laid on the table of this council on 18 February 2003, be disallowed.

The committee noted that these regulations do not ensure that victims of crime who apply for compensation are given adequate assistance in obtaining a medical assessment in relation to their claim.

Motion carried.

INDEPENDENT GAMBLING AUTHORITY

Adjourned debate on motion of Hon. A.J. Redford:

That this council notes the performance of the Independent Gambling Authority.

(Continued from 9 July. Page 2770.)

The Hon. A.J. REDFORD: I will be brief in response for a simple reason.

An honourable member interjecting:

The Hon. A.J. REDFORD: Once I rise and start talking, mate, that finishes it. I thank the Hon. Carmel Zollo for her commentary. I note that her response was critical of my suggesting that certain questions had not been answered. In that respect, I point out that there are still some outstanding answers to questions that have been put by the Hon. Nick Xenophon. Whilst I asserted that some of these answers had not been given, I am grateful to the Hon. Terry Roberts, in his response to the gaming machines freeze bill (because I think he probably swapped his speeches over), in which he indicated that certain answers had been provided. In that respect, I apologise to anyone who might have felt aggrieved by the assertions that were made.

You may recall, Mr President, that I have said in the past that, in the printing of answers to questions in *Hansard*, it would be of great assistance if the question was put in *Hansard*. It is very easy, when one is looking for answers to questions, in the way in which *Hansard* is currently printed, for a member to make that error. However, there are questions outstanding from the Hon. Nick Xenophon going back to 7 May last year. I note that even the Hon. Terry Roberts acknowledges that answers are to be brought back, and I think it is appropriate for those answers to be brought back.

The Hon. Nick Xenophon interjecting:

The Hon. A.J. REDFORD: The Hon. Nick Xenophon interjected and said it is not consistent with the government's policy on answering questions. Can I ask: which policy? Because a policy inaction is entirely consistent with their policy, although it is highly inconsistent with what they said their policy might be—if the honourable member follows. We on this side of the chamber are not very clear about this government's policy on answering questions put to its members by the opposition.

The Hon. T.G. Cameron: Some of us on this side of the chamber feel the same way!

The Hon. A.J. REDFORD: The Hon. Terry Cameron made a very pertinent interjection. He is a bit confused about the government's policy as well. Is it the one that it says it has, or is it the one that it enacts? That remains a mystery to all of us, and it will not be answered tonight. I will not answer all the comments made by the Hon. Carmel Zollo, but she went to some trouble (typical of this government, I might add) to blame everyone else except this government for the inadequacy of the performance of the Independent Gambling Authority.

The Hon. R.K. Sneath: A whingeing and whining opposition.

The Hon. A.J. REDFORD: Well, the honourable member says that, but I have to say that he does a very good impression of a whingeing, whining opposition member, and he sits on the front bench—on the government benches, rather; never to sit on the front bench, I might add.

An honourable member interjecting:

The PRESIDENT: Order! Interjections are out of order.

The Hon. A.J. REDFORD: I invite every single member in this place to look at some of the stuff that is coming out of this Victorian controlled Independent Gambling Authority. I remind members that we have a Victorian barrister who is the presiding officer and a former Victorian who is the chief executive officer. I ask members to go to its web site, because it is very interesting reading. I will not bore members with much detail, but there is one item there that caused me a great deal of mirth—and, in fact, it has caused a great deal of consternation amongst a fairly significant industry in this state. It has put a draft code of conduct on the web site for the racing industry—as I go through this, I advise the Hon. Terry Roberts to hang onto his seat, because he will not believe this, but this is what is happening with this government and this Independent Gambling Authority, which has lost complete touch with reality and, quite frankly, ought to go back to Victoria.

These Victorians have come up with a code of conduct in racing that prohibits and forbids a person backing a racehorse at the same time as having a beer. It might well be the case that your average Victorian cannot put a bet on and have a beer at the same time. But I can assure the chair and the Chief Executive Officer of the Independent Gambling Authority that, as a true-blue South Australian, and knowing many true-blue South Australians, we are all capable of putting a bet on a racehorse and having a beer at the same time.

The Hon. T.G. Cameron: You said this would be a brief speech.

The Hon. A.J. REDFORD: I am surprised that the Hon. Terry Cameron is not shocked—but he has probably had dealings with the Labor left, and nothing would shock him. But it shocked me that, in South Australia, if this mob gets its way, we will have a rule where, if you go to the races, you cannot have a drink; or, if you are going to have a drink at the races, you cannot have a bet. If there is anything I have ever seen that is more un-Australian, it is that. That is just one example of the performance—

The Hon. T.G. Cameron: You're making it up.

The Hon. A.J. REDFORD: No, I am not making it up: I can give the honourable member a copy. That is just one example of the performance of this outfit.

The Hon. T.G. Cameron: You mean you can't have a drink or a bet at the races?

The Hon. A.J. REDFORD: That is what its recommendation is.

The Hon. T.G. Cameron: Rubbish! I don't believe you.

The Hon. A.J. REDFORD: I am going to close, and I am going to go off and have a small bet with the Hon. Terry Cameron about the existence of that, and I would anticipate that, unlike some members, the Hon. Terry Cameron will honour that bet. I commend the motion.

Motion carried.

SELECT COMMITTEE ON INTERNET AND INTERACTIVE HOME GAMBLING AND GAMBLING BY OTHER MEANS OF TELECOMMUNICATION IN SOUTH AUSTRALIA

Adjourned debate on motion of Hon. P. Holloway:

That the third interim report of the select committee be noted.

(Continued from 14 May. Page 2314.)

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank honourable members for their comments on the interim report of the select committee.

Motion carried.

SOCIAL DEVELOPMENT COMMITTEE: POVERTY

Adjourned debate on motion of Hon. Gail Gago:

That the report of the committee on an inquiry into poverty be noted.

(Continued from 28 May. Page 2462.)

The Hon. KATE REYNOLDS: The Australian Democrats welcome the report of the Social Development Committee's poverty inquiry, and thank the members and staff for their work. We enthusiastically endorse the committee's recommendation that there be a major shift in emphasis towards early childhood intervention and prevention in the approaches taken to address poverty in this state. The Rann Labor government has now had more than a year, and two budgets, to show that it is willing to move beyond a narrow portfolio or solo approach to social development. A clear policy framework, strong links across departments and realistic resourcing are all essential if the social wellbeing of this state is truly valued as highly as its economic wellbeing.

The South Australian Council of Social Service (SACOSS) and its member organisations highlighted in their budget submission that the most urgent issue identified by front-line community health and welfare agencies is the increasing depth of poverty and the rising number of people vulnerable to extreme hardship. The Social Development Committee's report highlights the need for a whole of government approach to addressing the issue of poverty. So, the Democrats welcome the recommendation that the government develop and implement a long-term anti-poverty strategy. Understanding the social and cultural context in which poverty occurs, not just the material and financial factors, is critical if the government is genuine about making a substantial policy and program response to individual family and community hardship. Despite a robust national economic environment and the enchantment of the triple A credit rating that our Treasurer is so distracted with at the moment, the gap between the rich and the poor in this state continues to widen. As a close friend of mine, who is a social worker, so eloquently said, 'The rich still get richer and the poor still get shafted.'

Research by SACOSS and the Social Policy Research Group at the University of South Australia, in 2001, showed that poverty and inequality is continuing to rise in this state and has, in fact, to our shame, doubled since 1982. This means that an increasing number of people are living with permanent financial stress, and it means that if they are lucky they just break even most weeks and cannot afford to have friends or family over for a meal, even once a month. It means that they have to sell or pawn their possessions to raise cash; they regularly go without meals or home heating, due to a shortage of money; and they are likely forced to resort to seeking help from welfare organisations because they have no money.

Members interjecting:

The PRESIDENT: Order! There are too many audible conversations taking place in the chamber, and a number of members are breaching standing order 165 by standing in corridors and having conversations. Honourable members will resume their seats or use the lobbies at the back, because I cannot hear the Hon. Ms Reynolds.

The Hon. KATE REYNOLDS: Having a holiday away from home is not a possibility, nor is raising $2 000 in an emergency, or paying registration or insurance bills on time. Second-hand clothes are the norm, and being forced to borrow cash from friends or family is a regular occurrence. Spending time on a sporting, leisure or hobby activity is simply not possible, because these people cannot afford it. And that is for people who have some form of housing and some form of income. For an increasing number of people, the situation is far more bleak.

A properly developed, whole of government, antipoverty strategy could address the causes and not just the symptoms of the rising number of people living in poverty. This would require that, as an early and integral part of the strategy, effort is made to develop community defined indicators of community wellbeing. These indicators could then be used to underpin the performance measurement of government policies, programs, services and partnerships.

I express the Democrats' disappointment that the committee has not recommended the establishment of a social policy council. Within weeks of assuming office, after the state election last year, the Premier named 13 high-profile members of a new Economic Development Board for South Australia, whose purpose was to provide advice to cabinet and to develop a new economic strategy for the state. For some years now, social welfare organisations have been calling for the establishment of a social policy council to provide advice to cabinet and to develop a new social strategy for the state.

Last year, when I was still a member of SACOSS's Policy Council, we considered carefully the role of the Premier's new Social Inclusion Unit and a social policy council. The Social Inclusion Unit and its board are focused on specific problems in specific communities. A social policy council would take a wider and deeper view across the state and would provide advice about social policy directions, highlighting and detailing what the government intends to achieve during and beyond the current term of office. As SACOSS has said previously, a social policy council and the existing Social Inclusion Unit could work closely together, but they are not the same thing.

I note the committee's recommendation that there is a need for multiagency and multisector collaboration, especially between the education, health and welfare sectors. However, I draw to the government's attention, and particularly the Treasurer's attention, the undeniable fact that the non-government organisations, and some government agencies such as FAYS, are already at the point of financial and human exhaustion and simply do not have the capacity to stretch themselves any further without a realistic injection of resources. I will address this further when I speak to the Appropriation Bill.

The critical challenge for this government (and all future governments, until we start getting it right) is how to make

life a little easier for people and families who undeniably are struggling with the everyday expenses of a modest lifestyle. The Australian Democrats support the view of SACOSS that all South Australians have the right to live a decent life. This includes having somewhere to live, food and clothes, access to employment, justice, education and health, having enough money, feeling safe, being able to get around, and having access to information and services.

Many credible and respected organisations and individuals have, in good faith, taken their time and resources away from direct service delivery to provide valuable information and advice to the Social Development Committee's deliberations. The Australian Democrats call on the government to now provide a comprehensive, visionary and properly funded response to the committee's antipoverty inquiry report and to make that response one which truly reaches across the various government agencies and which includes the non-government sector in a realistic and genuine way. The issues described in this report are too pressing for it to gather dust on a shelf behind the Premier's door, while the multiplier effects of poverty and disadvantage eat away the dignity, hopes and futures of vulnerable people around the state.

The Australian Democrats challenge the government to not only receive this report but also to immediately take up the very first recommendation, which is to 'develop and implement an antipoverty strategy', to reduce the stress on organisations providing services in this sector and, importantly, to reduce the entrenched poverty experienced by individuals, families and communities in South Australia. The strategy must be a priority area of expenditure. It must pay particular attention to employment, education, housing and utilities, and take account of culturally diverse needs. To be effective, it must include four key areas:

1. High-level cabinet, ministerial and departmental commitment with public recording requirements through parliament.

2. Targets and strategies for the reduction of poverty and disadvantage across key areas such as employment, education and training, housing, health and access to utilities.

3. It must include research and monitoring of outcomes.

4. There must be an allocation of government resources to the most disadvantaged areas and populations.

Underpinning the antipoverty strategy must be a strong commitment to developing good social policy for South Australia which is given as much attention by the Treasurer as the state's economic policy and current credit rating.

The Premier took action on the very day the Economic Development Board released its recommendations. After many months, we are still waiting for responses to the Kirby report on TAFE and the Layton review of child protection. The Australian Democrats now challenge the government to announce a date for the release of its response to this poverty inquiry so that we can scrutinise how the Rann Labor government sees its role in preventing and alleviating poverty and ensuring a decent life for all South Australians. So far, we have only the 2003-04 budget on which to base our judgment, and the picture does not look good.

Motion carried.

STATUTES AMENDMENT (NUCLEAR WASTE) BILL

In committee.

Clause 1.

The Hon. A.J. REDFORD: I just want to make some general comments about this issue. I would seek the committee's indulgence because they are general comments in relation to both bills, but it will be easier if I get all this off my chest in the one go. I can separate it but, if need be, I will be guided by your gentle reminders, Mr Chairman. This whole debate on the government's part has been flavoured by two things. The first is a complete failure on the part of the government to say what its plans are to deal with the significant amounts of nuclear waste which we currently have in South Australia and which have been generated within South Australia or, alternatively, delivered to South Australia courtesy of the Hawke and Keating governments.

The second issue that concerns me is the way in which the government has played the misinformation and clouded facts cards on almost a systematic and regular basis. I will just take members through a couple of these. At one stage we had a situation where the minister did not read his briefing notes. We had a privileges committee that did not call witnesses. We had a minister who was not aware of a recommendation from his own Radiation Protection Unit that supported a central storage repository which was in his first-day briefs.

We have a minister and Premier saying that this is the first time in Australian history that the commonwealth has compulsorily acquired land against the wishes of the state when, in fact, that is not the case. We have a minister saying that we have only four cubic metres of low level waste produced in South Australia and subsequently admitting that the government dumped some four cubic metres at Wingfield every month. We have a minister who is not ruling out storing South Australia's medium level waste outside South Australia in a commonwealth repository but declining to allow other states' low level waste to be stored in a similar repository.

We have a minister saying that if we have the low level waste we will get the medium level waste facility; and there has been no acknowledgment or shifting of the government position as a consequence of the federal government's statement that medium level waste will not be stored in this state. We have a radioactive waste audit announced in August last year, which was promised to be completed by 30 June. In one statement the minister said that it had been completed, in another letter to the Hon. Terry Cameron he says that it has not been completed and the officers responsible for its preparation have refused to provide members of the opposition (and, I suspect, other members in this place) with a briefing about where it is headed and what sorts of problems we are dealing with.

We have statements to the effect that the audit was completed and, two days later, it was nearly completed and now it is not 'nearly' completed—it is just not completed. We have no idea about where the waste is currently being stored, what type of waste we have to deal with, what the volume of the waste is, how it is stored, where it will be stored and how it will be stored. We have a federal ALP not saying where it will store waste even though it started the whole process and still supports a central repository. We have the federal ALP legislating so that Lucas Heights cannot be the national waste storage repository and, indeed, that position was endorsed only recently.

We have a Keating government bringing in 10 000 drums or 2 000 cubic metres of this stuff to Woomera in the early 1990s with the tacit approval of a Labor government of which this Premier was a member. We have a state opposing the construction of a federal facility but not ruling out using it.

We have a statement (and I will come to that in a little more detail) to the effect that the government has no confidence that, even if we pass it, we can successfully defend this bill in the High Court. We have a state government saying that it will spend $2 180 on legal fees versus the commonwealth's $500 000, and that is an extraordinary assertion.

We have Labor putting clauses into the bill designed to give rise to court challenges, particularly in relation to other issues, including the EIS process. Indeed, there are provisions in this bill that could put the very existence of Roxby Downs at risk in the future, if indeed an EIS process is inflicted upon it in relation to the transportation of yellowcake. We have a government that has admitted that the radioactivity level of the waste about which we are talking is not any different from the yellowcake that rumbles through the streets of Adelaide from Roxby Downs to be exported from the world's largest uranium mine.

We have a range of other pieces of misinformation. There are other issues where this government has form. We know this government will trample over people's rights whenever it can get away with it. We have seen yet another example of that in dealing with the owners of the pastoral lease for which the proposed site has been designated. In that regard, we have today an announcement from the Pobkes that they prefer the commonwealth's response to the state response; and that is because, I suggest, that this state government has form, has a record, in not properly compensating people when they take away their private rights.

We also get some disingenuous answers to the questions that are put, and I will just give the committee some examples. The Hon. Terry Cameron asked some pretty important questions. He asked: what are the estimated costs of the legal action to take place in the Federal Court and the High Court? The same question was also asked by me, and this is the gobbledegook we get in response:

> The Crown Solicitor has advised that all work related to the legal challenge will be performed by salaried staff in the Attorney-General's Department and by the Solicitor-General. There will be no additional cost apart from ordinary court fees.

Now, the government knows very well that the time of those solicitors is costed, and any efficient government (which this government professes to be) will have to undertake such a task; and, indeed, as the Hon. Robert Lawson pointed out in question time today, that task has been carried out and forms part of the papers of the budget. The response further states:

> If the challenge fails the Federal Court may order the state to pay legal costs incurred by the commonwealth. Correspondingly, the commonwealth will need to pay the state's costs if the South Australian government is successful. The Crown Solicitor expects those costs would be limited as the legal argument covers a narrow range of well-recognised principles. It is unlikely that oral argument would exceed two days of court time.

We have the federal minister on radio this morning saying that this is going to cost $500 000 (half a million dollars), yet this government, which cannot find sufficient money to fund the Cora Barclay Centre, is saying that it is not going to cost very much. Indeed, what was it, about—

The Hon. R.I. Lucas: $2 000.

The Hon. A.J. REDFORD: It was $2 000. This government just lacks credibility on everything it does in relation to this issue. He then states:

> Leave to appeal to the High Court would only be sought by the state government if it were advised that there were reasonable prospects of success.

What the government does not say is whether or not there is any reasonable prospect of success. The government has fudged, ducked and avoided every single question that the opposition has put to it on every single occasion. And when it has responded, we have been met with political rhetoric and a series of half truths. I also asked some questions about the legal aspects of the bill that is currently before us, in relation to transport. On 10 July I asked whether or not the Solicitor-General had given advice on this particular bill. I said:

> . . . I would like to know whether or not the Solicitor-General has said that there is any prospect of success in upholding the government's position should this legislation be passed. Thirdly, without disclosing the basis or the reasons for it, I would like to know whether the Solicitor-General is confident that he can hold this legislation should it go through parliament.

This is what the government's response is, and I have to say it is completely disingenuous. It says:

> The Solicitor-General has provided advice concerning the Statutes Amendment (Nuclear Waste) Bill. He suggested the Nuclear Waste Bill would complement the Public Park Bill as a legislative package. In particular, the Solicitor-General supported the suggestion made by a barrister in private practice, Mr Totleigh, for the enactment of the provisions prohibiting the supply of nuclear waste for transport into the state.

Nowhere in that statement has the government come clean and said, 'Yes, the Solicitor-General thinks we have any prospect of success or indeed any reasonable prospect of success.' The government has sought to avoid answering the questions that are legitimately being put to it by the opposition. Indeed, it would appear to me that the government has not even bothered to obtain an opinion from the Solicitor-General as to the prospect of success following the federal government's announcement of acquisition. I will repeat the question: has the government sought advice from the Solicitor-General in relation to these enactments, following the federal government's announcement of compulsory acquisition?

If it has sought such advice, can the government give an assurance to this place that there is a reasonable prospect of success should there be litigation between the commonwealth and the state? There is a range of other matters that I could raise, but I will not go into any detail except to point out just one other failure on the part of the government. I specifically asked whether the penal sanctions and the transport sanctions contained in these bills would offend against section 92 of the Australian Constitution. So that members get an idea of the gobbledegook that we on this side have received, I will read out the reply. It says:

> Following from the government's commitment to the chamber to strengthen the principal act, advice provided by Andrew Totleigh from the independent bar proposed the extra territorial offences. Andrew Totleigh and the Solicitor-General have indicated that this section of the bill may strengthen the government's position.

I did not ask that question. I asked: does it offend against section 92. Yet I do not get any answer. Indeed, in its arrogant fashion what this government says is:

> It would be inappropriate to disclose the actual legal advice provided.

I accept that it would be inappropriate, but I think it is reasonable for the government to answer a simple question such as whether or not the Solicitor-General thinks this legislation offends against section 92. It is arrogance on the part of this government to ask us to pass legislation that ultimately might be held to be illegal by the High Court. I have made a number of comments and could probably talk

all night about this, but I will not. I will just outline to members what the opposition's position is in relation to each of these bills.

The CHAIRMAN: The Hon. Mr Redford did ask for some indulgence and there was some agreement, but I have to point out that he has spoken for almost 16 minutes and it is very much a second reading speech and a question of policy. I know it is late in the session, but many of your comments are not new information, they are not to do with the bill. I think a great deal of indulgence and patience of the committee has been expended, so I would ask you to get to the nub of your contribution. If you want to make general remarks about the political nature of the bill, the third reading stage is always available to you. I ask you to come to the point so that we can get on with the committee stage.

The Hon. A.J. REDFORD: So that members understand where we are coming from, what we will seek to do in relation to this bill is oppose every one of its clauses. We will then move my amendment, the effect of which will be to restore the ban on medium level waste that was approved unanimously by this parliament during the Olsen government. I hope that members understand that the net effect of that will be to bring the legislation back to where it was prior to the government's playing politics with this earlier this year.

The Hon. SANDRA KANCK: I appreciate the opportunity to put a few things on the record at this point. I am going to take the opportunity, because they are unrepresented in this debate, to put on the record some of the views of the Kupa Piti Kunga Tjuta, the traditional owners of the land on which this dump is to be built. I will not read of all of it, but these are parts of the letter that they wrote after the acquisition of the Arcoona Station site had occurred. The letter is addressed to Peter McGauran and Senator Nick Minchin, and reads in part:

> You don't listen to us ladies. You're still not listening. Do we have to talk over and over? He (John Howard) should have come and faced us, have a meeting, talking and things. John Howard jumping around all over the place, over the world. He should be at home looking after us. One government, one man, and doesn't listen to us. . . Howard won't listen to us. Our government don't listen. They bought that ground. Did you know? Government say 'fair and just compensation'. We don't want money. We weren't born with money. We want life—land. . . for the kids. . . You're digging a hole in the dreamtime.
>
> If you dig this hole in the manta (the earth) and fill it with the poison, make the dump, something will happen. There will be anger. If you don't listen you will be sorry. We talking and talking, go round and round same words. We're trying to help everyone. We talking straight—don't go there, it's dangerous. . . Listen, look out after us. You've got sons and daughters too. We're crying out for help. Please listen. Don't poison us. We are pleading to you. You've got families, same as us. We need to protect them all. So do you. We're not being cheeky with you.
>
> Please help us. We're not looking for a fight. We shouldn't have to fight for our land, just to get rid of the poison. Please no poison. We got water and bush tucker; kangaroo, emu, bullocks. What about the bullocks and the sheep? That's farming country too, they come from the station. What will happen when they are poisoned? Emu drink same water. Kangaroo, goanna, Perentie, cattle and sheep, all drink the same water. Then we eat them, like you. The water will poison the animals and kill them all, then you fellas and us.

These are the same women who just recently were awarded the Goldman Prize for the work that they have been doing in attempting to stop the dump. I believe it was very important that their point of view be recorded within this debate and I thank you for the indulgence.

The CHAIRMAN: I am sure the committee will take that into consideration.

The Hon. T.G. ROBERTS: The replies I gave last evening answered a lot of questions the honourable member placed on record in an extension of an explanation in relation to clause 1, so I will not be answering any of those questions, except in committee. A lot of broad questions were included in his statement. I appreciate the words passed on through the Democrats by the active women in the area. They were the ones who had an international award for conservation and protection of land.

It gets down to the fact that we have an opposition that wants a nuclear waste storage facility, which is a fair enough assessment to wrap up all the argument being put, and a government that would like to thwart the attempts of the federal government in starting off with a low level/medium level dump, which will ultimately, as we all know, move towards the acceptance of international waste within Australia. We do not need to be under any misapprehension of where we are going. This is the first stage, so the arguments have been put in this council. We have the Liberal Party with its arguments, and the Pobke family, apparently the guardians of the South Australian collective psyche in relation to the placement of this waste dump, and we are now down to debating the first bill that will probably bring it about, unless the numbers are with the government.

Clause passed.

The Hon. A.J. REDFORD: I move:

> That clauses 2 to 8 be postponed and dealt with after new clause 9.

The committee divided on the motion:

AYES (11)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Lawson, R. D.
Lucas, R. I.	Redford, A. J. (teller)
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	Stephens, T. J.
Xenophon, N.	

NOES (8)

Gazzola, J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Reynolds, K.	Roberts, T. G. (teller)
Sneath, R. K.	Zollo, C.

PAIR

Lensink, J. M. A.	Gago, G. E.

Majority of 3 for the ayes.

Motion thus carried.

New clause 9.

The Hon. A.J. REDFORD: I move:

> After clause 8—Insert:
> Expiry of amendments
> 9. The amendments made to the Nuclear Waste Storage Facility (Prohibition) Act 2000 by section 2 of the Nuclear Waste Storage Facility (Prohibition) Amendment Act 2003 expire on 19 July 2003.

Just so members understand, this clause seeks to maintain the ban on medium level waste and return the law back to where it was at the beginning of this year. The net effect of this clause, if the opposition is successful—and we will treat this as a test clause—is that we will oppose the rest of the clauses in this bill.

The Hon. SANDRA KANCK: I indicate that the Democrats will oppose this. This will remove everything that we debated and put into law back in March. In other words, what it will be saying, effectively, is that all the debate we went through back at that point was farcical. I am appealing to my colleagues the Hon. Nick Xenophon, the Hon. Andrew

Evans and the Hon. Julian Stefani also not to support this amendment. I went through the process with those members back in March of assisting in paying for the opinions of two barristers. We agreed at that time that the purpose of that was to allow the government to come up with a bill that would be stronger than we had in March. If those three members support this amendment, they are negating what they themselves said that they stood for back in March. Should that be the case, they will have to make adequate explanations to this chamber—

The Hon. Ian Gilfillan: And to the public.

The Hon. SANDRA KANCK: —and certainly also to the public—because there was an expectation, and I was part of that grouping, that this is what we were doing: we were aiming for stronger legislation. I hope that those three members were not conning me at the time. What they do on this amendment will indicate to me whether I was simply being conned and that I wasted my money.

The Hon. J.F. STEFANI: I am very pleased to respond to the challenge thrown down by the Hon. Sandra Kanck, and I will respond in detail. The honourable member will probably remember that I moved an amendment in this place which sought the prohibition of the use of a national repository by the government. The idea of that amendment was to test the integrity of the government. Its integrity is very much at stake because, on one hand, the Labor government wants to hold itself out as an opponent of the repository. On the other hand, it is not prepared to give a commitment that it will not use that repository to deposit the waste that is collected and stored at the moment at 26 different locations.

It was a principled position that the Hon. Nick Xenophon, the Hon. Andrew Evans and I took, and, in consequence of that principled position, our amendment was lost. I remind all members that not many people voted for that amendment, including the Democrats, who just ran away. At that point, at the suggestion of the Hon. Nick Xenophon, I concurred in engaging constitutional lawyers at our expense, that is, mine and the Hon. Mr Nick Xenophon's. So it was that, through his good contacts, we were able to make arrangements for the constitutional lawyers to give an opinion about the amendment which I moved and which was supported by the Hon. Nick Xenophon and the Hon. Andrew Evans.

That is the starting position—and I note that the honourable member is not interested in my explanation, obviously—and that is why we engaged the lawyers. It had nothing to do with the bill. The consequence of their engagement and their explanation about our position evolved in their telling us that the government had proposed flawed legislation. At that point, we invited the honourable member to hear the good news about the process and to understand where we were heading with the charade of the government in conning us all that it had the best bill in the land.

As a consequence of that and of the advice that was received in writing, and as a consequence of the honourable member's willingness to participate in the briefing, she got a bill and I got one too. I have paid mine, and I am sure that she has, as well. The fact is that that was the starting point. It had nothing to do with conning the honourable member, and I object to that allegation because I do not con people. People who know me know me very well as a person who does not do that sort of thing. As a result of that briefing, we were told by the constitutional lawyers that the government had a flawed piece of legislation, and our choice was to get the minister in, give him the rounds of the table and tell him the whole truth and nothing but the truth. Then we got the Solicitor-General down, because the minister said it was not his responsibility but someone else's, so he was given the rounds of the table. Consequently, as a group, we agreed to allow the government to go away and think again.

The government wanted six months; we said three. The government said it needed six; we said four. The government then asked us to accept its commitment, which was going to be given by an unconditional undertaking, but we said, 'No, we will enshrine a sunset clause to your failed bill, to allow you to go away and fix it, if you want to, or do whatever you need to do.' It was also true to say, and I will restate it on the public record, that the constitutional lawyers, at our expense, came up with a suggestion that we could delay the federal government by putting up hurdles, and one of the hurdles that could be explored was the national park idea. Another idea was an amendment to the transport laws, because transport laws and planning laws are under the jurisdiction of the state government. All those suggestions were thrown open to us.

The government has now picked up on those suggestions and has produced some bills. As I have stated very clearly, that had nothing to do with our starting point, and I hope that the honourable member has understood by now that I certainly did not con her, and had no intention of conning her. I am sure that that was equally the position of the Hon. Nick Xenophon and the Hon. Andrew Evans, who I am sure can speak for themselves on the subject, if they wish. That is my explanation, which I am very happy to put on public record, and I hope that that puts the record straight.

The CHAIRMAN: The table has had a look at this particular proposition and I think it needs to be explained to the committee, and you may want to take some alternate action. The proposal seeks to amend an act that we have passed in this session and, if it is passed tonight, it is impossible for this to be assented to within the timeframe. What we are talking about is a logistical impossibility. You may want to consider your positions in an amiable environment where you can talk this thing through, because there is a problem with the logistics of it all.

An honourable member interjecting:

The CHAIRMAN: If you pass this bill it cannot be assented to, to do what it seeks to do, and that is to do things tomorrow. You cannot get the bill assented to in that timeframe.

The Hon. R.I. Lucas: Does the government know what it is doing?

The Hon. T.G. ROBERTS: I do not think it is the government. I think we—

Members interjecting:

The Hon. T.G. ROBERTS: We have had compulsory acquisition of land, and now we are having compulsory acquisition of the parliament! Basically, what we are trying to do is to get a negotiated position that is acceptable and that is able to be implemented.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: I was just talking to you some—

Members interjecting:

Progress reported; committee to sit again.

STATE SUPPLY (PROCUREMENT OF SOFTWARE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 9 July. Page 2772.)

The Hon. J. GAZZOLA: I indicate that the government does not support this bill. While the government does not object to the aim of the amendment, it believes that there are more effective mechanisms for ensuring that the government can use all available effective technology including open source software. Open source software, or OSS, is not generally owned by its users but is licensed. The licence defines the terms and conditions for use of the software. The distinguishing features of OSS are that the software source code is openly published, is frequently available at no charge and is often developed by voluntary effort.

However, under the open source model, developers sometimes can and do charge for their software but cannot claim exclusive ownership or intellectual property to the code, thereby allowing others to further develop and distribute the code. There are several areas of software development where open source software is available, such as operating systems, desktop software, databases and web servers. In the South Australian government, there are a number of open source web site implementations. SA Central is one such example. The Department for Administrative and Information Services is actively observing the software market in Australia and overseas and communicating with other jurisdictions on open source applications as well as considering the long-term implications, performance and value to be obtained from open source software compared to proprietary software.

Where open source products have reached sufficient maturity, they can provide an alternative option to proprietary software, provided they meet the business requirements of government. The outcome that the Hon. Ian Gilfillan is trying to achieve, the government believes, would be better achieved through changes to procurement policy which are currently underway. Cabinet has approved the drafting of a bill to replace the State Supply Act 1985 with a state procurement act and envisages that the new legislation will be general to allow greater flexibility for government policy to implement procurement practices. In particular, the State Supply Board is seeking, through a legislative framework, to broaden the act to provide leadership in all procurement activities. This will be achieved by the streamlining of accountability frameworks and, where appropriate, encouraging procurement activities to support local business, reflect environmentally sustainable strategies and support the remedy of social injustice.

A key objective of the proposed new legislation is that it will remain general rather than be specific, so as to provide greater flexibility for government policy to influence government procurement policies and practices. The changes proposed by the Hon. Ian Gilfillan can be facilitated through procurement policy rather than through legislation. The outcome will be the same as that proposed by the Hon. Ian Gilfillan. It is not necessary to legislate for specific products or services that can or should be used by government nor is legislation deemed appropriate or a practical mechanism to mandate their particular goods or services. The policy approach has several advantages over the legislative solution proposed. They are:

1. It enables the board to support the policies of the government of the day; and

2. Policy can be more easily and quickly developed and/or modified to accommodate changes to procurement practices and/or strategies.

The PRESIDENT: I am getting very disturbed. I have asked a number of times today that decorum and dignity be maintained in the house. There are people standing around talking everywhere. I have raised this matter on a number of occasions. I am going to start dropping the hammer. Members will conduct themselves in a dignified manner, as befits Her Majesty's Legislative Council. I ask those members who are not debating to return to their seats. If they need to talk to other members, they should utilise the lobbies.

The Hon. J. GAZZOLA: Thank you, Mr President. Policy tends to be more flexible, and it is seen as a vehicle or mechanism that can facilitate and respond to change. In particular, when dealing in a marketplace such as the information technology field, where change is the only constant, the ability and capacity to react quickly to market forces is an important asset in the armory of the modern procurement business strategist. Legislating of product usage is not seen as a practical solution in such an environment.

The Hon. Ian Gilfillan implies that his proposed amendments to the current legislation will realise a value outcome in the expenditure of public money for one particular commodity group only. As part of the review process of current legislation, it is proposed that obtaining value in the expenditure of public money for all goods and services will be a key objective of any new procurement legislation. This will provide the flexibility required to include OSS as a procurement option by policy. An administrative, rather than a legislative, approach is preferred because the IT field changes rapidly, and it is difficult to change legislation quickly to keep up with the developments in IT.

The Hon. KATE REYNOLDS secured the adjournment of the debate.

CRIMINAL LAW (SENTENCING) (FAILURE TO VOTE) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 30 April. Page 2185.)

The Hon. CARMEL ZOLLO: This bill amends the Criminal Law (Sentencing) Act 1988 to limit the penalties that may be enforced by the Courts Administration Authority after non-payment of an expiation notice for failing to vote. I indicate that the government does not support this bill. The government believes that this bill is wrong in principle. It is also financially irresponsible. To illustrate why this bill is wrong in principle, it is necessary to explain what happens when a person fails to vote at a state election. If a person fails to vote, the law does not at first assume that an offence has been committed. Rather, under section 85 of the Electoral Act, the Electoral Commissioner must write to each person who has apparently failed to vote and give each person an opportunity to provide a valid and sufficient reason why he or she did not vote. If the elector fails to respond, or if the elector responds without a valid and sufficient reason, the Electoral Commissioner is required to take a second step in enforcing the requirements of the Electoral Act.

The second step is to send out an expiation notice. A person who receives such a notice can expiate the alleged offence by paying $10 plus a $7 victims of crime levy. This is the equal lowest expiation fee for any offence in South Australia. Nevertheless, a person who receives such an expiation notice can request an extension of time to pay on the grounds of hardship. If the alleged offender does not expiate, does not ask for more time to pay and does not elect

to contest the matter in court, the Electoral Commissioner must take a third step.

The third step is to issue an expiation reminder notice. If the reminder notice is issued, an additional $30 becomes due, so that a total of $47 is owing. If the elector fails to respond to either the expiation notice or the reminder notice, the Electoral Commissioner refers the matter to the Magistrates Court system. At this point, the elector has had three opportunities to respond. He or she was obliged by law to respond to the Electoral Commissioner to either explain or to contest the assertion that he or she failed to vote at an election. After that, the elector has missed opportunities to respond appropriately to either the expiation notice or the expiation reminder notice.

When an expiation notice is enforced by the Magistrates Court, the amount due is no longer an expiation fee. It is no longer an administrative matter. The person is convicted of an offence and is then liable to pay a court-imposed fine equivalent to the unpaid fees, plus the costs of an enforcement order. At that point, the matter becomes more serious, because the non-voter did not take up any of the three early opportunities to deal with the matter. That person now has a duty to pay a higher amount imposed by a court. It is a fine, not a fee. In effect, the matter is no longer about voting or not voting: it is about the process to be used in enforcing a judgment of the court.

Nevertheless, there are still options available for the offender. The person can elect to enter an arrangement to pay the fine by instalments, to pay through automatic and regular bank account deductions or to seek an extension of time to pay. These options might be described as a fourth opportunity to deal with the matter. If a person does not comply with the law at this fourth opportunity, the Magistrates Court will move on to the fifth step, which is the issue of another reminder notice. If the court issues a reminder notice, it must add on a reminder notice fee to the amount outstanding. The reminder notice must also warn the offender about the enforcement procedures that can be taken if the accumulated penalties are not paid. An offender who receives a court-issued reminder notice has another 14 days in which to deal with it, either by paying or by entering into an arrangement to pay over time. This could be described as a fifth opportunity to deal with the matter. However, if the offender does not take up this fifth opportunity, the Fines Payment Unit can move to enforce the fine and associated costs.

The existing scheme commenced operation in March 2000, after the passage of the Statutes Amendment (Fine Enforcement) Act 1998. Under the legislative scheme, the Fines Payment Unit has a responsibility to enforce the payment of fines ordered by a court, including fines that are imposed when expiation notices are enforced. This scheme was established because of a recognition that a term of imprisonment is usually not an appropriate punishment for fine defaulters. Rather than rely on prison, the scheme in the Criminal Law (Sentencing) Act 1988 now relies on other methods to encourage or force fine defaulters to pay the amounts ordered by a court. When the Statutes Amendment (Fine Enforcement) Bill 1998 was introduced in this place, the former attorney-general (Hon. K T Griffin) said, on 9 July 1998:

> It is natural for some individuals to avoid payment and their legal obligations deliberately. In some cases, people will acknowledge their obligations but ignore any action required to meet those obligations. . . The fine and/or expiation notice is a principal feature of our criminal justice system. It is by far the most common punishment for breaking the criminal law. Any weakness in its imposition and enforcement is a fundamental weakness in our system of criminal justice.

The then Labor opposition supported the Statutes Amendment (Fine Enforcement) Act 1998. We supported the scheme's allowing several different options to be employed to force fine defaulters to pay amounts owing. If a fine defaulter has ignored or chosen not to respond to an expiation notice, or to a reminder notice, or to a court order, or to a court-issued reminder notice, it is time to get tough. The legislation gets tough by allowing an authorised officer to suspend a person's driver's licence for 60 days and to issue an order preventing the fine defaulter from doing business with the Registrar of Motor Vehicles until the amounts owing are paid.

If this does not produce compliance, then the legislative scheme goes further, with a penalty enforcement order that can include the seizure and sale of property, the garnisheeing of money owing to the defaulter, or even an order for community service. The legislation makes community service orders a priority for juvenile offenders, but not for adults.

Community service orders have an important place in the sentencing process, but they are often not practical either as a deterrent or as a threat to encourage the payment of fines. As the former attorney-general, the Hon. K.T. Griffin, told this chamber on 9 July 1998:

> Community service is available as an alternative to payment on the basis of a bureaucratic judgment about hardship. There is a public perception that these methods are soft in allowing defaulters to too easily claim hardship and thereby frustrate the system by converting fines to community service. . . [F]or many community service is seen not as a deterrent but as an attractive way of erasing the debt of unpaid fines. It is accessed by some defaulters who can pay but choose not to and is not meeting its intended objective by being restricted to providing relief for those who genuinely cannot pay.

The present bill is relevant only to the course that may be followed by a court or by the Fines Payment Unit when a non-voter has failed to respond appropriately to any of the five previous opportunities I have described. The bill proposes that, at this point, there should be one option and only one option: the imposition of a community service order. That is wrong in principle. An offender who has reached this point has done more than simply fail to vote. After failing to vote, such a person has:

- failed to give a valid and sufficient reason for not voting;
- failed to expiate the offence or to elect to be prosecuted;
- failed to respond to an expiation reminder notice;
- failed to respond to a court order convicting the person and enforcing the expiation notice; and
- failed to respond to a court-issued reminder notice.

Such a person should not be treated as if he or she had only failed to vote, or failed to explain not voting. Compounding his or her failure to vote or explain, such a person has also thumbed his or her nose at our system of fines enforcement. He or she has been, in effect, daring the courts to respond, to enforce a penalty for an offence that he or she has not denied committing and for which he or she has been convicted.

Media reports claimed earlier this year that nearly 5 000 people would be stopped from renewing their driver's licence and registering their vehicle unless they paid a fine for not voting at the last election. That bald statistic did not give a complete picture. According to the Electoral Commission's report on the 2002 state election, 34 609 people apparently failed to vote. Fifty per cent of them (17 060) gave a valid and sufficient reason for not voting. Expiation notices were sent to most of the others (13 199), representing 38 per cent

of all non-voters. Many were returned unopened. Nine per cent of non-voters (3 056) paid their expiation fee, either initially or after getting a reminder notice. Another 14 per cent of non-voters (4 971) had their matter proceed to enforcement by the court. Presumably, many of those who were subject to this enforcement would then have paid the fine, either immediately after receiving a court order or later, after receiving a court-issued reminder notice.

The Electoral Commission's report does not reveal how many of these 4 971 failed to pay their fine after getting a court order or a reminder notice. So, it is entirely incorrect for the Hon. Robert Lawson to say that nearly 5 000 people will be stopped from renewing their driver's licence and registering their vehicle unless they pay a fine for not voting at the last election. However, no matter how many or how few there were, the principle should be the same. Those who fail to respond to repeated opportunities to explain, to expiate or to pay a fine, should have their court-imposed fine enforced in the same way as any other fine defaulter. It would be unprincipled to make a special category for fine defaulters and give them a special option after they had failed to observe court orders to pay a fine.

Apart from this matter of principle, the present bill is also financially irresponsible. It is pointless to impose community service orders unless those orders can be properly administered and enforced, and this is an expensive exercise. In the financial year 2001-02, 2 767 financial penalties were expiated by community service orders and a further 2 687 community service orders were imposed by a court. This made a total of 5 454 community service orders imposed in 2001-02.

The financial accounts of the correctional services department do not make it possible to gauge accurately the cost of administering these orders. However, it has been estimated that in 2001-02, the department's case managers devoted 88 000 man-hours (or person-hours) to administering community service orders. This does not take into account the cost of any casual supervisors or the cost of materials used by persons carrying out the orders. Less than 10 per cent of the total cost is recouped from the organisational agencies that receive the benefit of the community service work. Thus, with the department's labour costs conservatively estimated at $3.12 million, and only about $300 000 recouped, the net cost of administering community service orders in 2001-02 would have been at least $2.8 million and probably much more than this.

When the figure of $2.8 million is spread over the 5 454 community service orders carried out, it leads to an average cost of $513 for each community service order. Thus, the proposal put forward by the present bill amounts to this: a person who has failed to fulfil his or her obligation to vote, then failed to provide a valid and sufficient reason for not voting, then failed to pay a modest expiation fee of $10, then failed to observe a court order to pay a fine, should be entitled to repay the community for these repeated failures by being supervised in community service, in the process costing the community at least $500. If there are 1 000 of these people, the cost to taxpayers would be more than half a million dollars.

From a personal point of view, I note that the Hon. Robert Lawson freely acknowledged, in his second reading contribution, that his party (the now Liberal opposition) has supported the repeal of the provisions relating to compulsory voting, and that it went to the 1989 and 1993 elections with that policy. As a matter of fact, on four occasions, attempts have been made by his party to repeal compulsory voting, in various guises. I remember speaking against one of those attempts in 1998.

The Hon. Robert Lawson pointed out that, in his opinion, this bill does not seek to advance that argument. I believe that to be typical legal hair-splitting because, in my view, anything that ultimately softens the position, or makes it easier for a voter not to partake in his or her civic duty to attend the polling booth or cast an absent vote, is considerably weakening the system. The expiation notices system of financial penalties applies to a wide-ranging list of infringements of the law and is widely accepted as the most effective way of minimising inappropriate behaviour by providing appropriate penalties and reducing costly involvement of the courts.

The issue of compulsory voting is one of different ideologies. When it is easier for a voter not to take part in their civic duty, invariably it ensures that only those people interested in the political processes, or cajoled by political parties, will turn up to vote rather than the majority who would be affected by the outcome of an election. We on the Labor side of politics realise that the opposition is happy for the majority of people to be discussing sport and weather, and not to concern themselves with politics. Nothing—

The Hon. T.J. Stephens: Hear, hear!

The Hon. CARMEL ZOLLO: The Hon. Terry Stephens says, 'Hear, hear', so, obviously, he agrees with this side. Nothing is a better reflection of a majority of the people than compulsory voting. The government does not accept this proposition, neither did members opposite when they had to be accountable to the taxpayers. Both on a matter of principle and as a matter of fiscal responsibility, the government opposes this bill.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

FREEDOM OF INFORMATION ACT REGULATIONS

The Hon. J. GAZZOLA: I move:

That the regulations under the Freedom of Information Act 1991 concerning Essential Services Commission, made on 31 October 2002 and laid on the table of this council on 12 November 2002, be disallowed.

The committee recommends the disallowance of these regulations so that it can consider them in the next session of parliament.

The Hon. R.I. LUCAS secured the adjournment of the debate.

LOCAL GOVERNMENT (LOCHIEL PARK) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 March. Page 1983.)

The Hon. SANDRA KANCK: The Democrats support this bill. Last week, when I was noting the Environment, Resources and Development Committee's report into urban growth boundaries, I said that having such a boundary has a down side, and one of those is the pressure it puts on land inside those boundaries. The shortage of land creates demand which increases prices, and open space then becomes a very attractive option for carving up into housing blocks. I remind

members that the Environment, Resources and Development Committee recommended that the Land Management Corporation be more appropriately listed under the direction of the urban planning minister.

I pointed out that the Land Management Corporation has only an economic brief. Lochiel Park epitomises those two particular problems that I raised in my speech last week. The Land Management Corporation is responsible for this land and, with only an economic brief, it has no interest. There is nothing written into its charter that would encourage it to have any interest, for instance, in the Aboriginal heritage of Lochiel Park nor of the health benefits it provides to locals when they walk their dog or of the psychological benefits of experiencing nature, walking amongst trees that are 500 to 600 years old and hearing and seeing the birds in those trees.

Clearly, carving up that land for residential allotments would be an attractive money spinner to any government. The Liberals in government were not prepared to support the retention of the land for open space, and it became an election issue in the electorate of Hartley in the last state election. But, for a brief while (at least during that election), the local residents believed that the Labor Party (at least in opposition) did support them. The Hon. Mike Rann wrote a letter to the local people about the Labor Party's intention to look after this land.

The Hon. Nick Xenophon quoted most of that letter, but I want specifically to draw attention to one point in the Hon. Mike Rann's letter, which states:

> We intend to save 100 per cent of Lochiel Park for community facilities and open space, not a private housing development as the Liberals have promised.

One wonders whether the Hon. Mr Rann meant it and what his word is worth. I know today that we have been hearing comments on the radio about promises made by the Hon. Andrew Evans at election time about opposing a nuclear waste dump, and I have heard the word 'integrity' mentioned. I would also like to think that it applies to the Hon. Mike Rann in relation to this promise about Lochiel Park. That specific dot point in his letter is very cleverly taken up in this bill. The bill seeks to insert a new section 245A, which provides:

> Lochiel Park must be maintained for the use and enjoyment of the public for any of the following purposes:
> (a) public park;
> (b) recreational, sporting or other community purposes.

The bill therefore encompasses directly the promise that the Hon. Mike Rann, as the Leader of the Opposition, made in the state election; and if members in this place believe that an election promise should be kept I would urge them to join with the Democrats in supporting this bill.

The Hon. T.J. STEPHENS secured the adjournment of the debate.

FREEDOM OF INFORMATION ACT REGULATIONS

Adjourned debate on motion of Hon. J. Gazzola:

> That the regulations under the Freedom of Information Act 1991 concerning Essential Services Commission, made on 31 October 2002 and laid on the table of this council on 12 November 2002, be disallowed.

Resumed on motion.

The Hon. A.J. REDFORD: The position of the opposition is that this ought to be disallowed, which will enable the government to re-promulgate it if it wants to, and the Legislative Review Committee will be able to look at it again. It is interesting, if I can make just one comment, that the government's credentials in relation to freedom of information are now in absolute tatters. We have a bill that has gone through the lower house. We have a bill that went through the upper house with some amendments. It has gone back to the lower house but, for some extraordinary reason, the government does not want to progress freedom of information legislation. There is nothing that would indicate to me that a deadlock conference is likely to sit any time soon, so at the proroguing of the parliament at the end of this week that bill will die.

So, the challenge to the government, when we resume in seven or eight weeks, will be whether it will seek to bring back freedom of information legislation that enacts its oft-stated response. When I was sitting where the Hon. John Gazzola is now sitting, I remember that it was said on almost an hourly basis by the Labor Party when in opposition that it would bring in more and better freedom of information legislation. That will be yet another promise that has been broken. I cannot say how disappointed I am in the Labor Party and the rhetoric that it has inflicted upon us but, as they say in the classics, such is life.

Motion carried.

FREEDOM OF INFORMATION ACT

Order of the Day, Private Business, No. 31: Hon. A. J. Redford to move:

> That the regulations under the Freedom of Information Act 1991 concerning the Essential Services Commission, made on 31 October 2002 and laid on the table of this council on 12 November 2002, be disallowed.

The Hon. A.J. REDFORD: Based on the results of the last motion, I do not wish to proceed with this motion and I move:

> That this order of the day be discharged.

Motion carried.

FISHERIES ACT REGULATIONS

Order of the Day, Private Business, No. 37: Hon. J. Gazzola to move:

> That the regulations under the Fisheries Act 1982 concerning River Fish, made on 17 October 2002 and laid on the table of this council on 22 October 2002, be disallowed.

The Hon. J. GAZZOLA: I move:

> That this order of the day be discharged.

Motion carried.

Order of the Day, Private Business, No. 44: Hon. J. Gazzola to move:

> That the regulations under the Fisheries Act 1982 concerning Giant Crab Quota System, made on 13 December 2001 and laid on the table of this council on 5 March 2002, be disallowed.

The Hon. J. GAZZOLA: I move:

> That this order of the day be discharged.

Motion carried.

Order of the Day, Private Business, No. 45: Hon. J. Gazzola to move:

That the regulations under the Fisheries Act 1982 concerning Individual Giant Crab Quota System, made on 20 December 2001 and laid on the table of this council on 5 March 2002, be disallowed.

The Hon. J. GAZZOLA: I move:

That this order of the day be discharged.

Motion carried.

ENVIRONMENT AND CONSERVATION MINISTER

Adjourned debate on motion of Hon. R.I. Lucas:

That this council notes with concern claims by the Minister for Environment and Conservation (Hon. J.D. Hill) that he did not read key documents, briefing notes, letters and answers to parliamentary questions on the nuclear waste repository issue prior to making misleading statements to the parliament.

(Continued from 2 April. Page 2070.)

The Hon. SANDRA KANCK: I indicate the Democrats will not be supporting this motion. As I indicated in an earlier debate today, we are not in the business of running around claiming scalps, which is part of the games the opposition plays. There need to be substantial arguments to support motions such as this and they do not exist. It is clear that what occurred in this context was a set up and I do not believe that any of us as Legislative Councillors, with the amount of correspondence we get each day, read everything minutely word by word. The fact that the opposition knew of the existence of these documents and the minister himself did not is a strong indication that it was a set-up and there is simply no justification in supporting a motion like this.

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

DRIED FRUITS REPEAL BILL

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries) obtained leave and introduced a bill for an act to repeal the Dried Fruits Act 1993. Read a first time.

The Hon. P. HOLLOWAY: I move:

That this bill be now read a second time.

The Dried Fruits Act has been central to the organisation of production and marketing of dried fruit in South Australia for more than 70 years. A review process to ensure that the Dried Fruits Act complied with the national competition policy requirements commenced in 1999 and has now been completed, with alternative methods of delivering functions of the Dried Fruits Act being put in place.

This review of the Dried Fruits Act included a national competition policy review and green and white paper public consultation processes, to obtain opinion from dried fruit growers, packers, major users of dried fruits, the South Australian Dried Fruits Board and the general public. In addition, a final review of the outlook for the dried tree fruits industry was undertaken in November 2002.

The South Australian Dried Tree Fruits Association and the South Australian Dried Fruits Board identified the following key functions that needed to be put in place before the Dried Fruits Act and its regulations were repealed:

- Food safety legislation for packers and their premises;
- An approved supplier program for delivery of quality assured product to packing sheds by growers;
- A code of practice be documented and agreed to by packers and growers and training on this code of practice delivered to industry;
- A funding mechanism for the SA Dried Tree Fruits Association be secured;
- Dried fruits research and development secured through links with Horticulture Australia;
- Other industry development, information and support functions be developed and delivered by the South Australian Dried Tree Fruits Association.

The process requested by industry to put these alternative functions in place has been completed and repeal of the Dried Fruits Act can progress. Aside from providing for repeal of the Dried Fruits Act, this bill provides a mechanism for the minister to transfer residual funds of the Dried Fruits Board to the South Australian Dried Tree Fruits Association, the main organisation servicing South Australia's dried fruit industry.

To ensure that the residual funds provided to the South Australian Dried Tree Fruits Association are used for industry development purposes, an agreement will be developed between the South Australian Dried Tree Fruits Association and the minister. This agreement will require a strategic plan indicating key activity areas in which the South Australian Dried Tree Fruits Association will be using its funding in the three years to 30 June 2006. Annual reports from the South Australian Dried Tree Fruits Association for the years 2003-04 to 2005-06 inclusively, indicating key industry development activities and expenditure and any conditions specified by the minister requiring the association to implement the strategic plan. I seek leave to incorporate the explanation of the clauses into *Hansard* without my reading it.

Leave granted.

Explanation of Clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Commencement

These clauses are formal.

Part 2—Repeal of Dried Fruits Act 1993

Clause 3: Repeal of Act

This clause provides for the repeal of the *Dried Fruits Act 1993*

Part 3—Transfer of property

Clause 4: Vesting of Board's property in the Minister

This clause vests the property of the Dried Fruits Board (South Australia), which was established under the *Dried Fruits Act 1993*, in the Minister.

Clause 5: Transfer of property to the South Australian Dried Tree Fruits Association Incorporated

Under this clause, the Minister is empowered to transfer the property vested in him or her under clause 4 to the South Australian Dried Tree Fruits Association Incorporated. The clause makes it a condition of such a transfer that the Association enter into an agreement with the Minister containing terms and conditions required by the Minister including—

(a) a condition requiring the Association to provide the Minister with a strategic plan, in a form satisfactory to the Minister, detailing its activities and expenditure to develop the dried tree fruits industry in South Australia for the period to 30 June 2006; and

(b) a condition requiring the Association to implement the strategic plan; and

(c) a condition requiring the Association to provide the Minister, on or before 30 September in each year up to and including 2006, with an annual report on the work of the Association for the financial year ending on the preceding 30 June.

The Hon. R.D. LAWSON secured the adjournment of the debate.

APPROPRIATION BILL 2003

Adjourned debate on second reading.
(Continued from 15 July. Page 2869.)

The Hon. T.G. CAMERON: I rise to support the Rann Labor government's second Appropriation Bill, and I would like to make a number of comments with regard to the government's priorities. During the Supply speech, I made a number of points that I did not have time to complete, and I will revisit some of those now.

Next to poker machines, speed camera fines have to be the biggest con trick of this year's state budget. While the rest of the government fees and charges will rise by 3.9 per cent from 1 July, penalties for traffic offences will nearly double, rising by almost 6 per cent. Fines for exceeding the speed limit by up to 15 km/h will rise from $131 to $139. An extra 42 000 expiation notices are expected to be issued, raking in an extra $14.2 million on top of the estimated $52 million raised this year. To justify this grab for money, the government is once again hiding behind the excuse of using speed cameras to lower the road toll, when it is clear for all to see that it is really about raising more revenue for the government.

Compare this to England, where they take a different view on the use of speed cameras. There they use them to reduce the road toll. Manchester's chief constable has recently told his officers to stop targeting speeding drivers and to start catching hardened criminals. Michael Todd, the chief constable, has warned staff that continuing to pressure motorists through the use of speed cameras will see many law-abiding people develop anti-police feelings and attitudes. He wants police to concentrate on catching burglars, robbers and sex offenders, whom the public fear the most.

Mr Todd has told traffic officers to ensure that their anti-speeding operations concentrate on reducing road accident rates rather than increasing the number of prosecutions through random enforcement of the speed limit. In a memo he sent out this week, he repeats the stance he took three months ago. He says officers should:

> . . . apply the same balance, discretion and commonsense in how we deal with offences such as speeding as we do with many other forms of policing. I fear that if we prosecute more and more motorists and people have a perception that we are being unreasonable then there will be a backlash. We police by consent and need people to have confidence in the criminal justice system. We rely on people to report offences, to be witnesses and to be jurors in the fight against crime. Anything that undermines that support concerns me.

Although the chief constable believes it is important to prosecute reckless and dangerous drivers, he said police should not have to resort to speeding fines to encourage safer driving. He explained that people who commit minor offences such as public disorder or criminal damage are often cautioned or given a formal warning rather than prosecuted. Last November, six weeks after he took over as chief constable of Greater Manchester, he moved 200 officers from traffic duties to tackling street robbery, which quickly reduced in level. When he was at Scotland Yard, he was involved in a campaign that moved 300 traffic officers to catching muggers.

It is a pity that this view is not held by our own police minister. Here in South Australia, after 13 years of speed cameras, with over $1 billion in fines, we still have a road toll that has risen this year, not fallen. The Treasurer claims that he will be happy if more people get home safely at night via the government's measures. We can all agree with that, but what he wants to do is inflict more of the same and it is just not working. The government cannot have it both ways. Speed cameras have to be directed to crash black spots. They have to be clearly visible to be a deterrent, and revenues raised as a result of fines should be spent on driver education programs, upgrading road black spots and doing something about bringing South Australia's deteriorating road system up to the same standard as the rest of Australia's.

I turn my attention now to social inclusion initiatives, something that I am sure the government genuinely believes in. I congratulate the Premier on personally taking responsibility for the issues of drugs and homelessness. I notice that one of the targets for 2003-04 is to implement the government's response to the Drugs Summit. I was represented at the Drugs Summit by one of my staffers, James England, who reported to me that he considered it a great success. Many of the issues, specifically a redirection of resources away from the criminal justice system and towards education and prevention of drug abuse, were welcomed by an overwhelming majority of delegates with strong support.

However, the broad manner in which the government's response was drafted indicates that this process may have been nothing more than a publicity stunt. While it took courage to call a summit and expose the government to a grassroots policy initiative, it takes even more courage to swallow electoral pride and actually implement their recommendations. I look forward to the 12-month milestone review of the Drugs Summit due in the next few weeks, and we will be examining it closely to see where the government's true intentions lie.

I also pay homage to what the government is doing with regard to homelessness. It has provided $3 million in funding for the Premier's homelessness initiative and granted an extra $250 000 for additional office rentals for the department. It is nice to see that the Premier believes that charity begins at home—or at least at the office.

Health and healthcare are fundamental to any decent, humane society. Our hospital system is failing those who need it most—the frail, the elderly and the sick—people at their most vulnerable. In addition, this government is pulling the wool over South Australians' eyes. It is promising something it cannot deliver on.

There were a number of health cuts in this year's Rann budget. The $2 million in extra funding promised for dental services has been removed, forcing those on low incomes using public dental services to wait longer to have their teeth examined and fixed. How can we say we have a decent health system when thousands and thousands of Australians cannot even afford to have new false teeth and have to run around for a year or two before they can get onto the government's program? The health promotion budget has been cut by 10 per cent. In particular, the anti-tobacco campaign has been cut significantly.

However, the most serious deficiency in the health budget is the $2 million cut to the Family and Youth Services budget. Children will be at greater risk of abuse simply because there will not be enough social workers to get to them. The foster system is in crisis. Wards of the state are often shunted from one house to the next and, in some cases, they are being abused by their foster carers because there is no-one to check up on their wellbeing. A typical South Australian social worker looks after 15 to 20 wards of the state, compared with interstate social workers who look after just five or six. I am informed that FAYS put in a funding bid for 40 extra staff, but the request was rejected. What kind of signal does it send

to the young in our community when we can find the money for film festivals and operas but we leave the most vulnerable and at risk to suffer and be preyed upon?

On top of these travesties, the government's policy initiatives from the long-awaited generational health review appear to lack sufficient substance to derive any improvements for our health system. I do not want members to get me wrong. The generational health review delivered to the government by Mr Menadue is a substantial, overarching, forward-thinking document, and I take this opportunity of congratulating the review team on their report.

However, on reading the government's policy position, I was disappointed that it chose to neglect the true essence of the report's recommendations. The government policy document entitled 'First Steps Forward—South Australian Health Reform' lacks substance and is full of motherhood statements. There are statements in the document that commit the government to virtually nothing. Some statements sound like any other ALP policy document in the past, such as: 'Investigate the possibility of a. . . ', 'Make it easier for health practitioners to work together. . . ' 'Investigate the development of. . . ', and so on. It is full of motherhood statements that commit the government to do little or nothing.

As for the government's commitment to mental health reform, the policy document of June 2003 provides a five-line statement about mental health which begins with 'Mental health has been neglected in this state for almost 10 years' and ends with 'build the necessary supports our community deserves', but it says little in between. Well, mental health has not been neglected in this state for almost 10 years: it has now been neglected for 11 years.

Education was a key plank of the current Rann government, and while we have seen a lot of media bluster about their commitment to education, it would appear that this is another area where they are long on rhetoric and short on substance. An amount of $56.4 million was earmarked for new public education initiatives, however TAFE was the major beneficiary of this extra funding, and it would appear from all reports that the injection of funds was only enough to make up for last year's overspending. What makes matters worse is the political bias shown through spending on schools capital works programs. Six of the state's key marginal seats are winners in this year's major school upgrades: three marginal Liberal seats, which just happen to be the ones that the government wants to win at the next state election; and three Labor seats, which just happen to be the ones they need to hold on to in order to retain government.

These schools include Ascot Park Primary in the seat of Elder (margin 3.8 per cent); Gawler and Hewitt Primary schools and Smithfield Plains Preschool in the narrowly held Liberal seat of Light (margin 2.9 per cent); Norwood Primary School in the Labor held seat of Norwood (margin .6 per cent); the Orroroo Area School in the Liberal held seat of Stuart (margin 1.4 per cent); Salisbury East High School in the Labor held seat of Wright (margin 3.3 per cent); and the Willunga Primary and High schools in the Liberal held seat of Mawson (margin 3.6 per cent). Is it just a coincidence that the marginally held Liberal seat of Light, that Labor would love to win at the next election, has received capital works project funding for three schools in the area? I think not.

A good example of funding being distributed based on the marginality of an electorate is Victor Harbor High School in the state seat of Finniss. There has been a plethora of educational and demographic reviews highlighting the urgent need for facility upgrades at this school. Its years 11 and 12 students have had to cope with no heating, cooling, security or access to computers, and transportable makeshift classrooms that do not meet safety and welfare standards. After originally signing off on the design brief, which was to include urgently needed toilets and a staff room, the government effectively halved the expected funds to $1 million.

After years of broken promises and being told to keep quiet and be patient, the staff have reached breaking point. There is no doubt that if this school were in a marginal seat instead of a safe Liberal seat held by the deputy leader of the Liberal opposition, then I am sure that the full funding would have been forthcoming. One can only conclude that the education of our children has been sold out in the quest for preferences and votes. It is exactly this kind of behaviour, this pork-barrelling, that sticks in the craw of ordinary people, with the result that politicians and governments lose further respect.

I recently spoke about the future plans for transport and its lack of vision. The budget confirms this. The budget commits $56 million to the upgrade of the Glenelg tram, a service that carries less than 2 per cent of all public transport users. The money would have been far better spent on converting it to an autobahn so that at least the north-east and south-west of the metropolitan area were joined, which would be good for tourism. Or the money should have been spent on replacing our ageing buses and trains which actually carry the lion's share of public passengers. At some stage some tough spending decisions on public transport are going to have to be made. Recent surveys carried in the *Advertiser* showed that our roads are becoming ever more congested, with travelling speeds in peak hours in metropolitan Adelaide down to just 20 k.p.h. We are one of the highest car owning societies in the world, with only Los Angeles having a greater rate. For a city the size of Adelaide, with our generally flat environment, that is a scandal. But what are people to do? We have a public transport system that is old, worn out and infrequent.

Every other state is investing hundreds of millions of dollars in their transport infrastructure. Here, our transport minister seems to be satisfied with just making minor alterations. Sooner or later the bullet will have to be bitten. One can only hope that the public consultation the minister is currently conducting with his draft transport plan will include long-term planning and spending on our public transport infrastructure. But at least they will have to concede that this transport minister actually did get a transport plan together.

While there has been extra funding made available for the state's road black spot program, it is insufficient. According to the RAA, at this rate it will take another decade before even the current black spots are rectified. So, once again, there is no really serious intent to remove black spots. The government is raking in tens of millions of dollars a year from speed cameras and it is not even prepared to put that money back into where people are dying on our roads.

I do congratulate the government, however, on its long overdue move to expend the metro ticket boundary to include the towns of Aldinga, McLaren Vale, Willunga and Sellicks Beach, some of the fastest growing suburbs in the state. John Hill, the local member, would have been delighted. This was an issue, unfortunately, that the previous government would not take seriously. I congratulate all of those who joined the fight to ensure that those suburbs were regarded as being part

of the metropolitan area and not for some ridiculous reason considered being out in the country.

The state government is fortunate that it is governing at a time when the Australian economy is strong. This government was fortuitous—almost akin to winning X-lotto—in that there has been an absolute boom in property taxes which have delivered an extra $130 million to the South Australian Treasury. There have been poker machine super profit taxes, and a healthy economy with low unemployment, jobs growth and increasing payroll taxes. Most of this has been outside the Labor government's control but they have reaped the benefits nevertheless. The treasurer has said that money has been put away for a future rainy day. Call me cynical if you like, but I would bet my last dollar that that day will come in the May 2005-06 election budget.

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

[Sitting suspended from 10.25 to 10.45 pm]

STATUTES AMENDMENT (NUCLEAR WASTE) BILL

In committee (resumed on motion).
(Continued from page 2924.)

The CHAIRMAN: When the committee last met, we determined to put aside clauses 2 to 8 and agreed to consider the Hon. Mr Redford's proposal regarding clause 9. I understand that he now wants to move that in an amended form.

New clause 9.

The Hon. A.J. REDFORD: I move:

After clause 8—insert:
Expiry of amendments
9. The amendments made to the Nuclear Waste Storage Facility (Prohibition) Act 2000 by the Nuclear Waste Storage Facility (Prohibition) Amendment Act 2003 expire immediately before 19 July 2003.

Notwithstanding the proposed new clause, I understand that the Hon. Andrew Evans has indicated that he would prefer to adopt an alternative course of action, which I understand will be supported by the Australian Democrats and the government. My understanding is that the government, in fact, will support the Liberal initiative of deleting parts 2 and 3 of this bill and moving the proposed new clause in an amended form: in other words, the government is agreeing to gut its own bill. That is something which I will not labour in too much detail at this time, when I am sure that I will have an opportunity do so somewhere else.

What we are doing in this case is either of two things. If our position is adopted, it would take us back to the law as it existed at the beginning of the year, which would be an overall ban in relation to medium and high level waste. If the government position is adopted, there would be a ban on low level waste. The opposition says that to get back to that position is absurd. It is absurd for a number of reasons. First, everyone in this chamber when we debated this matter on the last occasion recognised the flaws in the previous bill. That is why we are back here today. The Hon. Nick Xenophon recognised the flaws in the previous bill and said that it was not good enough, and the Hon. Terry Cameron made a very pertinent observation on Wednesday 19 March, when he said:

> Two opinions from the Solicitor-General were made available to us by the Hon. Julian Stefani which said that they had a snowball's chance in hell of winning. By passing this legislation today and locking the government into having a sunset clause—I think we all understand what a sunset clause is—on 19 July this legislation, which will pass today, will become null and void.

In other words, in a very frank manner—which is not unusual for him, but it was unusual in the context of this debate—he was saying that the legislation (as presented to parliament and passed back in March this year) would not have any effect, because the opinions given to the government (and shown to the Hon. Julian Stefani and the Hon. Terry Cameron) put the government in an extraordinarily weak position. So, the opposition will watch with much interest the government's actions over the next few months in relation to any proposed High Court or legal challenge, because we have certainly had more honesty from the Hon. Terry Cameron in describing what the legal opinions are in so far as legislation is concerned than we have had from the government.

I repeat: the Hon. Terry Cameron said, having read the two opinions from the Solicitor-General, that the legislation that was passed back in March last year would have a snowball's chance in hell of putting the state government in a winning position. So, I think that is the position in which we will find ourselves following the passage of the legislation.

There are two additional facts that did not exist at the time the legislation went through in March this year. The first and most significant of those facts is that the federal government has announced that the medium level waste will not be stored in South Australia; it will be stored somewhere in Australia but outside of South Australia. That is a very big concession and a very big win for the people of South Australia. This win was achieved despite the antics of the government and the half-truths that they have continually told the people of South Australia and this parliament over the last few months.

The second significant thing that has happened since March is that the commonwealth has actually acquired through its compulsory acquisition legislation the site in question. So, we have two significant facts which, in the view of the opposition, support our going back to the position as it was in January this year.

Having said that, I make a couple of comments about the Hon. Andrew Evans, who indicated that he prefers to hold the position as it existed in May. On behalf of all members of the opposition, I say that we understand and respect the position he has taken, and we make no criticism of him in relation to that. We understand that he has been put under extraordinary pressure in respect of this issue, and we accept and acknowledge that he has thought deeply about these issues and come to his position genuinely.

Through you, Mr Chairman, I say on behalf of all members of the opposition that the Hon. Andrew Evans has earned our respect for the way in which he has dealt with us in relation to this legislation, and I am sure that other members on this side would agree. With those few words, I note that we do not have the numbers. I also note the hour, so I will not seek to call for a division.

The Hon. J.F. STEFANI: I rise to speak on an important and unrelated matter. Mr Chairman, I wish to draw to your attention that, during the break, a professionally privileged and private legal document, being the opinion provided to me and four of my colleagues and for which I paid $500, was removed from my desk. I ask you, in your position as President, to initiate an immediate investigation into such

appalling conduct by someone who has had the gall to remove so private and privileged a legal document from my desk in this chamber during the 10-minute break. I want whoever has taken it to be brought to account, because it is totally unacceptable. If the person involved in such conduct happens to be a member of this chamber, I want you to take the appropriate action.

The CHAIRMAN: With respect to that matter, the Hon. Mr Stefani has brought it to the attention of the Clerk and me, and we have made a preliminary investigation. It is very disappointing if what the Hon. Mr Stefani has reported has, in fact, occurred. We have spoken to the staff; the honourable member will remember that indulgence was accommodated to allow the staff to have some relief. Unfortunately, no staff were present in this chamber during that 10-minute break, and nor were any officers or messengers in here because they were availing themselves of the opportunity for a break.

If it is shown to be a fact and proven, action taken will be at the discretion of the house. It is an act that has been committed within the bounds of this chamber and it would be my view that it is for the discretion of this chamber to take whatever action is appropriate. However, at this stage of our investigations, we have spoken to the messengers and we are aware of no-one having been in the chamber. It is extremely disappointing, and it is a matter of great disbelief to me as the Presiding Officer that, if what is alleged to have happened has happened within this chamber, I think it would be the most appalling act I have witnessed in my 14 years in parliament.

It does no credit to the institution of parliament. It would be sickening to think that the appalling situation has arisen where when we suspend the house we need to lock the chambers of Her Majesty's parliament. So, if anyone has removed any documents from the chamber, I suppose it is on their conscience to make the appropriate restitution and do whatever has to be done to get some relief from the situation.

However, that is not part of the bill or part of this amendment. While we are considering this amendment, I do not intend to have any more second reading type contributions on the bill. The hour is late, and honourable members will concentrate on these amendments so that we can dispose of this bill as quickly as possible. Are there any further contributions on the amendment?

The Hon. SANDRA KANCK: The Democrats will be opposing this amendment. It is quite blatant politicking, as we have come to expect from the opposition on this issue. It is taking us back to the act being in the state it was three years ago, so that we will have legislation that bans a nuclear waste dump for medium level waste, but we will have no legislation to ban low level waste. Quite frankly, if I were a member of the Labor Party, I would be writing the election pamphlets now, with photos of all you guys on the front, and distributing them in all Liberal held electorates. If you have not thought of it yet, guys, you can give me attribution later. I cannot believe that the members of the opposition are representing South Australians, because this is a very anti-South Australian act.

The Hon. NICK XENOPHON: I oppose the amendment moved by the Hon. Angus Redford. It is important to state briefly—and I will do so briefly, given the hour—that the summary given by the Hon. Julian Stefani earlier this evening before progress was reported is quite accurate in that further legal advice was sought in terms of the bill. In summary, the advice we sought from constitutional lawyers was such that the bill was flawed and would have real difficulty being successful in any legal challenge, and the whole idea of coming back several months later was in order that the bill be strengthened. My view is to support the government's position on the bill as it was presented in this place. If we are going to oppose a low level dump, we may as well do it with all the legal arsenal at our disposal. We should fire our best shots in terms of any legal argument.

If we are going down the path of a High Court challenge—and that appears to be the case—let us go down the path with the best legal arguments we can muster in order to fight that. That is my position. That is why I support the bill in this form. The Hon. Julian Stefani raised quite accurately the process involved in order to obtain advice on his proposed amendment as to the government's position of not using a low level dump. It was a commonwealth dump. As a consequence of that, that legal advice raised other issues and touched another issue. My position is: if we are going to fight the commonwealth on this issue let us have every legal argument at our disposal. That is why I will support the government's position, because I see the bill in an improved form. The government and the Hon. John Hill, to his credit, acknowledged that. On that basis, I urge honourable members to oppose the amendment of the Hon. Angus Redford and to support the bill in what I believe is a strengthened form that will give this state a much better chance of fighting this matter in the courts.

The Hon. T.G. ROBERTS: I will be brief. I am not sure what happened to the Hon. Julian Stefani's document. I was in the chamber with others negotiating, but I certainly did not see anybody anywhere near his desk. The situation is as was explained by the Hon. Angus Redford. I would not say that we were gutting our bill to accommodate the negotiating or amending processes with the Independents. We tried to get the bill back to a position not of 2000 but of around the March position this year.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: This is only one stage of a very long process that we have to go through. Bearing in mind that the commonwealth does have big guns, we do not underestimate the ability of the commonwealth to keep its agenda moving. We certainly do not want to be put in a situation where we are fighting with one hand tied behind our back because we as a state have not developed the best possible defensive position in relation to our arguments with the commonwealth. This amendment seeks to take us back to a position not only of signalling that we accept the commonwealth's position on compulsory acquisition for a nuclear repository but also of rolling over and letting them tickle our tummies while they are doing it. Be that as it may, we now seem to have developed a better position for us to argue against the commonwealth's position.

Many of the contributors have said that realistically we may have to look at where we go in future with our own waste. Tonight, if we defeat the opposition's amendment and accept the government's amendment, as the Hon. Nick Xenophon and others have explained, we will at least be able to put a few arrows to our bow to be able to defend ourselves.

I indicate that we will be opposing the opposition's amendment. The government is putting forward new amendments which keep alive the situation as it was in March, and that is the undertaking that we have given the Hon. Mr Evans in the full and complete explanation that we gave during the break.

The Hon. SANDRA KANCK: I want to make a couple of comments. I have found a lot of what has gone on in the

last few days to be very disturbing. We have seen a situation where we seem to have duelling legal opinions. I would have thought it was the role of this chamber to try to get the best legislation possible—not to second guess what lawyers are saying; not to second guess what judges will decide, yet this seems to be the way that we are now making decisions about this legislation. I want to indicate, on behalf of the Democrats, my disappointment that our debate is degenerating to that.

New clause negatived.

Clause 2 passed.

Clauses 3 to 6.

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

Part 2, page 3, line 7 to page 5, line 26 (inclusive)—delete Part 2
Heading, page 5, line 27—delete 'Part 3' and substitute:
Part 2

Amendment carried.

Clauses 7 and 8 negatived.

New clause 7.

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

Repeal of section 15.
7. Section 15—delete the section.

New clause inserted.

Clause 1—reconsidered.

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

Page 3, line 3—delete Statutes Amendment (Nuclear Waste) Act 2003 and substitute:
Nuclear Waste Storage Facility (Prohibition) (Miscellaneous) Amendment Act 2003.

Amendment carried.

Long Title.

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

Delete 'the Dangerous Substances Act 1979 and'.

Amendment carried.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

PUBLIC PARK BILL

Adjourned debate on second reading.
(Continued from 7 July. Page 2717.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I have already made my second reading speech and I have described the bill. It is not a long bill; in fact, it has only 12 clauses plus the schedule. The bill has been around long enough now for members to know what it does. The intention of the government is to declare a section of land, site 40A, as a public park. We have had the discussion and debate, so I will not hold the council for too long. The bill creates the Northern Public Park by reserving the area described in the schedule for this purpose. There is a rights of prospecting and mining clause, a public right of access to park clause, a Pastoral Land Management and Conservation Act clause and other clauses that allow the minister to arrange for the installation of facilities. I have already mentioned that there will be signage.

There will be access to the park that allows for the public to enjoy the amenity of the area of section 40A. I am sure that many of you will be putting together your swags and your wicker baskets and heading up there as soon as you can. With those few words, I commend the bill and wish it a speedy passage.

Bill read a second time.

In committee.

Clauses 1 to 10 passed.

Clause 11.

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

Page 4, lines 31 to 35—delete subclause (2) and substitute:
(2) A person travelling across pastoral land for the purpose of entering or leaving the park must—
(a) use the route prescribed by regulation; or
(b) if there is no prescribed route—
(i) use the public access route located nearest to the portion of the park the person wishes to enter or leave; and
(ii) use the most direct practicable route between that public access route and the park.

Amendment carried; clause as amended passed.

Clause 12 passed.

Schedule passed.

Bill recommitted.

Clause 2.

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

Page 3, lines 3 and 4—Leave out clause 2.

The Hon. A.J. REDFORD: May I ask why?

The Hon. T.G. ROBERTS: It is as a result of discussions with the Hon. Andrew Evans in relation to a retrospective aspect of clause 2, which it has been agreed to remove.

Amendment carried; clause as amended passed.

Bill reported with a further amendment; committee's report adopted.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I move:

That this bill be now read a third time.

The Hon. A.J. REDFORD: I make it very clear that the opposition opposes this bill quite strongly and strenuously. The way in which the Pobkes have been treated has been appalling; and, indeed, I was very interested to see today that they have urged us all not to vote for this bill. That is the position that the opposition will take.

The council divided on the third reading:

AYES (9)

Gazzola, J.	Gilfillan, I.
Holloway, P.	Kanck, S. M.
Reynolds, K.	Roberts, T. G. (teller)
Sneath, R. K.	Xenophon, N.
Zollo, C.	

NOES (10)

Cameron, T. G.	Dawkins, J. S. L.
Evans, A. L.	Lensink, J. J. A.
Lucas, R. I.	Redford, A. J. (teller)
Ridgway, D. W.	Schaefer, C. V.
Stefani, J. F.	Stephens, T. J.

PAIR

Gago, G. E.	Lawson, R. D.

Majority of 1 for the noes.

Third reading thus negatived.

CODE OF CONDUCT

Consideration of the House of Assembly's resolution.

That it is the opinion of this house that a joint committee be appointed to inquire into and report no later than 1 October 2003, upon the adoption of a code of conduct for all members of parliament, and in doing so consider:

(a) a code of conduct for all members of parliament, addressing—
- (i) the integrity of parliament;
- (ii) the primacy of the public interest over the furthering of private interests;
- (iii) disclosure of interest;
- (iv) conflict of interest;
- (v) independence of action (including bribery, gifts and personal benefits, sponsored travel/accommodation, paid advocacy);
- (vi) use of entitlements and public resources;
- (vii) honesty to parliament and the public;
- (viii) proper relations with ministers and the Public Service;
- (ix) confidentiality of information;
- (x) appropriate use of information and inside information;
- (xi) government contracts; and
- (xii) duties as a member of parliament;

(b) a procedure for enforcement of the code by parliament that ensures effective investigation and adjudication of complaints, is impartially administered and protects members who are the subject of an allegation in a similar way to a court or professional disciplinary body;

(c) an appropriate method by which parliament should adopt a code (for example, by legislation, resolution, standing order or any other method), taking into consideration how best to engender knowledge and understanding of it by the public as well as by members;

(d) the relationship between the code and statutory requirements for disclosure of members' financial interests; and

(e) an introductory and continuing ethical and constitutional education program for members, having regard to—
- (i) the discussion paper and draft code of conduct for members of parliament prepared by the Legislative Review Committee in 1996;
- (ii) standards of conduct required of public servants by the Public Sector Management Act 1995;
- (iii) the way other jurisdictions (including the United Kingdom and Canada) have developed codes of conduct and draft codes of conduct for members of parliament, enforcement procedures, advisory services for members, introductory and continuing legal education programs and informing the public about the code and its enforcement; and
- (iv) written submissions from members of the public and from persons with expertise in the areas under report:

and in the event of a joint committee being appointed, that the House of Assembly be represented on the committee by three members, of whom two shall form a quorum of assembly members necessary to be present at all sittings of the committee; and that a message be sent to the Legislative Council transmitting the foregoing resolution and requesting its concurrence thereto.

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I move:

That the council concur with the resolution of the House of Assembly, that the council be represented on the joint committee by three members, of whom two shall form the quorum necessary to be present at all sittings of the committee, and that the members of the joint committee to represent the council b e the Hons. J. Gazzola R.D. Lawson and N. Xenophon.

I support this motion, which attracted support in the other place from all sides of parliament. It includes amendments which were suggested by the Leader of the Opposition, Rob Kerin. The state government believes that every South Australian state parliamentarian should be subject to a rigorous new code of conduct. Before we formed government this was a major plank in our commitment to South Australians for a more honest and accountable government.

We have formulated a 10-point plan to improve honesty and accountability across government because we want to restore honesty and propriety to the processes of government in South Australia. It is true that in the past eight years standards of public administration suffered in this state, particularly prior to the last election. That had to be turned around for the sake of this parliament and for democracy in this state. Last year the government introduced a package of legislative amendments known as the honesty and accountability in government series of bills. That package was the beginning of the process of ensuring the highest standards of honesty, accountability and transparency in government in this state, enshrined in the law of this state.

The Premier also announced last year the introduction of a tough, comprehensive new code of conduct for ministers. The new ministerial code of conduct recognises that ministers are in a position of trust bestowed on them by the people and parliament of South Australia. It recognises that ministers are responsible for decisions that have a marked impact on individuals and groups in this state.

For these reasons, it emphasises that ministers must accept standards of conduct of the highest order. The new code of conduct for ministers is one of the toughest codes of conduct applying to ministers in this country. The new code prevents ministers from actively acquiring shareholdings and other financial interests in companies during their term of office and prevents ministers from trading (that is, buying or selling) shares that were held by them before taking up office. For example, ministers can retain only those shares that do not conflict with their portfolio responsibilities and, if there is a conflict, they must divest those shares. The code requires ministers to disclose to cabinet office the details of any private interests of their spouse, domestic partner, children or business associates that might conflict with their duty as a minister. The code requires ministers to disclose to cabinet office the contents of family trusts.

The code prevents ministers from acting as consultants or advisers to companies and organisations during their term of office except in their official capacity as a minister. The code places a two-year restriction on the type of employment activities, consultancies and directorships that ministers can take up after they have ceased to be a minister. The code prevents ministers from employing members of their immediate families or close business associates to positions in their own offices. The code sets out specific obligations in relation to cabinet confidentiality and details procedures for the disclosure of conflicts of interest in respect of matters going before cabinet.

The new code also defines more clearly the type of action that the Premier or cabinet may take against ministers who are in breach of the code, whether it be a reprimand requiring an apology or asking the minister to stand aside or resign. That, essentially, recognises honest mistakes, inadvertence and such things. Commonsense must prevail.

The government believes that we now need to take matters further. It is important for the actions of all members of parliament, not just ministers, to be open to scrutiny. At the moment, there is no code of conduct in South Australia for opposition members (frontbench or backbench), government backbenchers, independent members or, indeed, officers of the parliament. Now we want to go further to cover all members. The people of South Australia deserve the highest standards of accountability. A tough new code will protect the public, the parliament and individual members of this place. This is about commonsense. The state government believes that there are too many grey areas.

It is proposed that the joint committee comprise three members from each house. We believe it to be appropriate that there be one government member, one opposition member and one member from the independent or minor parties in each house. We do not shirk from the responsibilities of ensuring the highest standards of honesty and ac-

countability in government established by law. In the same way, I look forward to members of this parliament working together in a bipartisan way to come up with a code that helps restore the community's faith in us, which does not impede our work on behalf of the public but which is about commonsense and decent practice. I commend the motion to the council.

The Hon. R.D. LAWSON: I rise to indicate support for this motion, which will see a joint committee established for the purpose of examining the question of whether or not a code of conduct for members of parliament ought to be introduced into our parliament and, if so, what should be the content and extent of such a code of conduct.

This is an issue that has been under examination not only in this parliament but also a number of parliaments around Australia and overseas for some considerable time. In 1996, a review was conducted by the Legislative Review Committee on the issue of a code of conduct for members of parliament and, at that time, the committee published and circulated widely a discussion paper setting out the reasons why a code of conduct should or should not be introduced. In the event, the matter was not advanced in that particular parliament, there being insufficient support on all sides of the parliament for its adoption.

I think it is worth setting out for the record some of the arguments in relation to codes of conduct so that the joint committee to examine this issue will have some of the arguments that have previously been advanced, and I take most of these from the discussion paper issued in 1996. It begins with a number of arguments in favour of a code of conduct. First, most professions and trades and many public and private organisations do have codes of conduct and/or ethics. Many codes of practice and codes of ethics have been imposed by parliaments or governments. For example, in this state as early as 1992 there were guidelines for the ethical conduct of public employees in South Australia, and in 1994 a code of conduct for public employees was introduced. More recently, a new code has been adopted and applied to public servants in this state. It is said under this argument that MPs should follow suit. Governments and members of parliament are enthusiastic in imposing codes of conduct on others, so why should they not submit themselves to the same discipline?

Secondly, it said that both new and old members of parliament need some guidance in the proper discharge of their duties and responsibilities. That is the educational aspect of a code. Thirdly, there is value in laying down some statement of the standards of conduct to which MPs should aspire. That is the aspirational aspect. Fourthly, it said that the existing law is no adequate guidance. The criminal law sets limits but it does not set standards of behaviour. Conduct that is merely legal is not necessarily desirable or good.

Fifthly, it said that existing standing orders and parliamentary procedures were not designed to lay down principles of ethical behaviour and, even if they were, they have not proved effective in redressing the poor perception which the general public has of many MPs. Sixthly, every independent body that has looked at this matter in recent years, such as the Fitzgerald royal commission in Queensland, the WA Inc. royal commission in Western Australia, which was followed by the commission on government, the New South Wales Independent Commission Against Corruption and, in the United Kingdom, the Nolan committee, recognised the need for a code. Seventhly and lastly, failure to introduce a code might be seen in the wider community as evidence of the timorousness of politicians in addressing concerns about their performance.

On the other hand, six arguments have been advanced against having a code of conduct. First, it is said that parliament is quite different from other institutions. The very nature of parliamentary representation calls for fierce independence and codes of conduct that are inconsistent with that independence. Secondly, any code of conduct will be more likely to be seen by the public as mere window-dressing and it will be more likely to lower respect for MPs rather than raise it. Thirdly, unless a code has sanctions for non-observance, it is just another set of motherhood statements.

Fourthly, the law already proscribes unlawful conduct, so any code that further restricts the freedom of MPs is unwarranted. Fifthly, it said in opposition to having any code that such a code would only be used by the media to berate members of parliament and might have unintended and unforeseen consequences. Lastly, it is said that the standing orders and parliamentary procedures already provide an adequate, appropriate code of conduct.

As I said earlier, in other jurisdictions codes of conduct have been adopted and the joint committee will, I am sure, examine what has been done elsewhere. There is little point in reinventing the wheel, but this committee will have an opportunity that is well worth pursuing. Accordingly, the Liberal opposition has been pleased to support this motion. I recognise that the motion as originally moved by the Premier in February this year required some minor drafting amendments, and I express gratitude to the government for the fact that, after some discussion, an agreed form of the motion was adopted and moved by the government in another place earlier this week.

Whilst we support a committee examining the question of a code of conduct and whilst it is highly likely that the committee will recommend such a code, there will be much debate and discussion to ensure that the code is effective; that it will command the respect of all members of our parliament; and that it will not be simply a set of motherhood statements because, frankly, we have enough motherhood statements from the government on the subject of openness and accountability.

So often we hear high-sounding rhetoric from this government about those matters of openness and accountability but, too often, it has failed to meet the high standards that it has set. However, we will not enter into a political debate on this issue on this occasion. We commend and support the motion. We will participate in the deliberations of the joint committee, and we will endeavour to ensure that all members of the parliament are included in the process.

The Hon. IAN GILFILLAN: I indicate the Democrats' support for this motion. I do not intend that support to mean a blanket cover of approval and support for every item identified as the issues that could or should be considered in a code of conduct. Quite obviously, when the code is produced (but that may not be for some time), it will need to be considered very closely. By indicating support, we believe that, on balance, this motion has merit, and I wish the committee well in its deliberations.

The Hon. NICK XENOPHON: For the reasons set out by my colleagues the Hons Paul Holloway, Robert Lawson and Ian Gilfillan, I support this motion.

The Hon. P. HOLLOWAY (Attorney-General): I thank members for their indication of support.

Motion carried.

WATERWORKS (SAVE THE RIVER MURRAY LEVY) AMENDMENT BILL

Second reading

The Hon. P. HOLLOWAY (Attorney-General): I move:

That this bill be now read a second time.

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

Leave granted.

The health of the River Murray is essential to Adelaide's domestic water supply and to the rural sector reliant on water from the Murray.

There is now unequivocal scientific evidence that the environmental health of the Lower Murray, below Wentworth, is in serious decline. The arrest of this decline, and an improvement in the health of the River Murray, is a high priority of the South Australian Government.

Restoring the River Murray to health will involve major expenditure commitments including increasing South Australia's contribution to the Murray-Darling Basin Commission, implementation of the River Murray water allocation plan and improving environmental flows.

The *Waterworks (Save the River Murray Levy) Amendment Bill 2003* provides for the introduction of a Save the River Murray levy to assist in funding these initiatives.

The levy will be charged at a flat rate of $30 for residential customers and $135 for non-residential customers and will be collected with SA Water bills from 1 October 2003. Country lands customers on properties of less than 10 hectares will be entitled to the residential rate of $30.

The Bill provides for the payment of rebates of the levy. Through the rebate mechanism, the levy payable on a single farming enterprise will be limited to $135.

Levy amounts will be indexed annually to movements in the Adelaide Consumer Price Index (CPI).

Pensioners who are eligible for a concession on SA Water rates and charges will be exempt from the levy. The South Australian Housing Trust and the Aboriginal Housing Authority will also be excluded from the application of the levy. Each local government council will be liable to pay only one levy in each financial year.

The Save the River Murray Levy is expected to raise $20 million in a full year.

The Bill also establishes a Save the River Murray Fund, which will receive the proceeds of the levy for expenditure on programs to improve and promote the environmental health of the River Murray or ensure the adequacy, security and quality of the State's water supply from the River Murray.

The introduction of a broad-based charge on the community to assist in achieving the long term security and quality of South Australia's water supply is considered appropriate and in the State's interests.

I commend the Bill to the House.

Explanation of Clauses

Clause 1: Short title

This clause is formal.

Clause 2: Commencement

This clause provides that the measure will come into operation on 1 October 2003.

Clause 3: Amendment provisions

This clause is formal.

Clause 4: Amendment of section 65B—Composition of rates

Section 65B of the *Waterworks Act 1932* is amended by the insertion into subsection (1) of a new paragraph. This amendment introduces the Save the River Murray levy as a component of rates.

Clause 5: Insertion of section 65CA

This clause inserts a new section.

65CA.Save the River Murray levy

Subsection (1) of section 65CA establishes two levy rates. For category 1 land (residential land or any other land declared by notice to be category 1 land) the levy is $30 (indexed). For category 2 land, which is any other land, the levy is $135 (indexed).

A proportionate amount of the levy is payable for each quarter. Under subsection (3), the amount of the levy is to be adjusted (to the nearest 20 cents) for each financial year commencing after section 65CA comes into operation by multiplying the relevant amount by a multiplier obtained by dividing the Consumer Price Index (All Groups Index for Adelaide) for the March quarter in the calendar year in which the relevant financial year commences by the Consumer Price Index (All Groups Index for Adelaide) for the March quarter 2003.

Under subsection (4), the Minister may declare specified non-residential land or a particular class of non-residential land to be category 1 land. The effect of a declaration is that the levy payable under subsection (1) in relation to the specified land or class of land so declared is the lower rate. The Minister may also exclude specified land or land of a specified class from the application of the levy, or declare that specified persons or persons of a specified class are entitled to a remission or partial remission of the levy. The Minister may vary or revoke a previous declaration or exclusion under the subsection. The powers conferred by subsection (4) are to be exercised by the Minister by notice in the *Gazette*. However, in the case of a declaration or exclusion related to specified land or specified persons, the exercise may be by notice or by instrument in writing.

A declaration or exclusion takes effect from the commencement of a particular financial year or a particular quarter. If the declaration or exclusion is made by notice in the *Gazette*, the notice must be published before the date on which it is to take effect.

Section 65CA is subject to a number of qualifications. A local government council is liable to a single levy of $135 (indexed) for each financial year irrespective of the number or classification of its landholdings. A person entitled to a remission of water rates under the *Rates and Land Tax Remission Act 1986* is exempt from the levy. A registered housing co-operative entitled to a remission of water rates under the *South Australian Co-operative and Community Housing Act 1991* is exempt from the levy to the extent that it would apply to the relevant premises or relevant part of the premises.

Clause 6: Amendment of section 86A—Liability for rates in strata scheme

This clause contains a consequential amendment. Where land is divided by a strata plan under the *Community Titles Act 1996* or the *Strata Titles Act 1988*, the owner of each lot or unit is liable for the Save the River Murray levy in respect of the lot or unit.

Clause 7: Insertion of Part 6

This clause inserts Part 6, which contains section 100. This section establishes the Save the River Murray Fund. The Fund is to be held by the Minister to whom the administration of the *Murray-Darling Basin Act 1993* is committed. The component of rates attributable to the Save the River Murray levy is to be paid into the Consolidated Account and from the Consolidated Account into the Fund. Money paid into the Fund is to be applied by the Minister to the provision of programs and measures to improve and promote the environmental health of the River Murray or ensure the adequacy, security and quality of the State's supply of water from the River Murray. The Fund will also be applied by the Minister towards payment of the State's contributions to the Murray-Darling Basin Commission and, if the Minister is satisfied that it may be appropriate to provide rebates in particular cases, the costs of rebates (and associated administration costs).

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

MEMBERS, DOCUMENTS

The PRESIDENT: I have to report that, in respect of the disturbing matter that was reported to the council tonight involving papers being removed from the chamber without permission, I have some good, but still disturbing, news. The documents have been recovered and were found in the box of the Hon. Julian Stefani, having been placed there by whom we do not know. I was going to lock the chamber tonight but that will not now be necessary. I think I will be making a

direction in future that when the council is in session, when we are suspended, no strangers will be permitted to be on the floor of the chamber.

RIVER MURRAY BILL

The House of Assembly has agreed to amendments Nos 2 to 15, 23 and 24 made by the Legislative Council without amendment, and has disagreed to amendments Nos 1 and 16 to 22, as indicated in the following schedule:

No. 1 Page 1 (Long title)—Leave out 'the Parliamentary Remuneration Act 1990,'.

No. 16 Page 64, line 5, clause 17 (Schedule)—Leave out paragraph (i) and insert:

(i) the River Murray Parliamentary Committee;;

No. 17 Page 64, line 7, clause 17 (Schedule)—Leave out heading and insert:

Part 5D—River Murray Parliamentary Committee

No. 18 Page 64 clause 17 (Schedule)—Leave out 'Natural Resources Committee' and insert:

River Murray Parliamentary Committee

No. 19 Page 64, clause 17 (Schedule)—After line 15 insert the following:

(2a) The members of the Committee are not entitled to remuneration for their work as members of the Committee.

No. 20 Page 64, lines 24 to 37, and page 65, lines 1 to 4, clause 17 (schedule)—Leave out paragraphs (a) and (b) and insert:

(a) to take an interest in and keep under review the protection, improvement and enhancement of the River Murray; and

(b) to consider the extent to which the Objectives for a Healthy River Murray are being achieved under the River Murray Act 2002; and

(ba) to consider and report on each review of the River Murray Act 2002 undertaken under section 11 of that act; and

(bb) to consider the interaction between the River Murray Act 2002 and other Acts and, in particular, to consider the report in each annual report under that Act on the referral of matters under related operational Acts to the Minister under than Act; and

(bc) at the end of the second year of operation of the River Murray Act 2002, to inquire into and report on—

(i) the operation of subsection (5) of section 22 of that Act, insofar as it has applied with respect to any Plan Amendment report under the Development Act 1993 referred to the governor under that subsection; and

(ii) the operation of section 24(3) of the Development Act 1993; and

No. 21 Page 65, lines 7 to 11, clause 17 (Schedule)—Leave out subsection (2).

No. 22 Page 65, lines 12 to 16, clause 18 (Schedule)—Leave out this clause.

Consideration in committee.

Amendment No. 1:

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

That the Legislative Council do not insist on its amendment No 1.

Motion carried.

Amendment No. 16:

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

That the Legislative Council do not insist on its amendment No. 16.

Motion carried.

Amendments Nos 17 and 18:

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

That the Legislative Council do not insist on its amendments Nos 17 and 18.

Motion carried.

Amendment No. 19:

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

That the Legislative Council do not insist on its amendment No. 19, but makes the following amendments in lieu thereof:

Schedule, clause 17, page 64—

Lines 12 and 13—Leave out subsection (1) and insert:

(1) The Committee is to consist of seven members.

(1a) Four members of the committee must be members of the House of Assembly appointed by the House of Assembly and three must be members of the Legislative Council appointed by the Legislative Council.

Line 16—After 'one of its' insert:

House of Assembly

The Hon. CAROLINE SCHAEFER: I understood that this was to be moved as a package of amendments given they are all consequential, but at some stage it is necessary for me to speak. As members of this chamber would be aware, when the bill left this chamber an amendment that I had moved that this be an unpaid committee of the lower house had been carried, and therefore it would seem quite inconsistent if I did not speak on this matter.

When the bill was returned to the lower house my amendments were not agreed to not only by the government but also by some members of my own party. As is very often the case between the two houses, further discussions have taken place. I have canvassed a number of the cross-benches and it is my view that if this is indeed important enough to be a paid standing committee then we need to look at it in the long term, not just in the short to medium term. I understand that the title of this committee is now to revert back to the original desire of the government and that is to be a natural resource management standing committee, which does have some long term implications for the Natural Resource Management Bill which is to come before us in the next session.

So, my party has agreed to these amendments, that is, that this be a paid joint house committee and that in the long term it will be looking at natural resource management issues. I must say that it concerns me that we appear to be having more and more committees foisted upon us. I hope the government of the day will properly equip those committees to do their job. I have been here now nearly 10 years and in that time have consistently served on a standing committee: first the Environment, Resources and Development Committee, then the Social Development Committee and now the Statutory Authorities Committee, and my experience is that most of the committee work is addressed in a bipartisan way and with goodwill, but the ability for committees to perform well largely consists in their being resourced to do so.

So, while I have agreed to these amendments, basically, the choice was to agree to a paid lower house committee or a paid joint house committee or to insist on our amendments, which would have necessitated a deadlock conference at the end of what is appearing to be a very long session. Whilst I, as the spokesperson for my party, do not object to these amendments, I hope that our concerns with regard to resourcing this committee and the plethora of new committees that seem to be cropping up are listened to.

Motion carried.

Amendment No. 20:

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

That the Legislative Council does not insist on amendment No. 20 made by the Legislative Council but makes the following amendment in lieu thereof:

Schedule, clause 17, page 65, after line 4—Insert:

(iv) at the end of the second year of operation of the River Murray Act 2002, to inquire into and report on—

(A) the operation of subsection (5) of section 22 of that act, in so far as it applied with respect to any Plan Amendment Report under the Development Act 1993 referred to the Governor under that subsection; and

(B) the operation of section 24(3) of the Development Act 1993.

Motion carried.

Amendment No. 21:

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

That the Legislative Council do not insist on its amendment No. 21.

Motion carried.

Amendment No. 22:

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

That the Legislative Council do not insist on its amendment No. 22.

Motion carried.

The Hon. SANDRA KANCK: Mr President, can I speak at this point?

The PRESIDENT: Yes.

The Hon. SANDRA KANCK: I want to make a comment about process. These two pages of amendments that have been disagreed to by the House of Assembly and the proposed amendments from the minister arrived on our desks half an hour ago, when we were in the middle of debate on the two nuclear waste bills. I have not had an opportunity to look at them and, obviously, foolishly, I made the decision in my own mind that, under the circumstances, I would be dealing with them tomorrow morning. I was not here, therefore, when the debate began on them. I have not participated from the point when I came in here, simply because I am not, even at this stage, fully aware, matching it back to the original bill, as to what they constitute. I was not in a position to be able to argue either way on any of the proposed amendments, so I want to express my disappointment that the business of the council has not been done in a better way than this.

The PRESIDENT: The council takes the point that the Hon. Ms Kanck makes, but the council is always in charge of its own destiny. It is crazy cottage time at the end of the session, and I think we all have to make as much of an adjustment as we possibly can.

ABORIGINAL LANDS PARLIAMENTARY STANDING COMMITTEE BILL

Returned from the House of Assembly without any amendment.

CRIMINAL LAW (SENTENCING) (SENTENCING GUIDELINES) AMENDMENT BILL

The House of Assembly agreed to the time and place appointed by the Legislative Council for holding the conference.

PARLIAMENTARY REMUNERATION (POWERS OF REMUNERATION TRIBUNAL) AMENDMENT BILL

Received from the House of Assembly and read a first time.

The Hon. J. GAZZOLA: I move:

That this bill be now read a second time.

I rise to support the bill. As we are aware, this bill was introduced in the House of Assembly by the Hon. Bob Such. The bill seeks to allow for the Remuneration Tribunal to consider—I emphasise 'consider'—after submissions from individuals, flexible remuneration arrangements for members of parliament. I understand the scheme is not mandatory for parliamentarians. Therefore, members of parliament who wish to continue their current arrangements can do so.

The Hon. R.I. LUCAS secured the adjournment of the debate.

STATUTES AMENDMENT (HONESTY AND ACCOUNTABILITY IN GOVERNMENT) BILL

The House of Assembly intimated that it did not insist on its disagreement to the Legislative Council's amendment No. 9.

SUMMARY PROCEDURE (CLASSIFICATION OF OFFENCES) AMENDMENT BILL (No. 2)

The House of Assembly agreed to the bill without any amendment.

CORONERS BILL

The House of Assembly agreed to amendment No. 2 made by the Legislative Council without any amendment; disagreed to amendment No. 1; and made alternative amendment as indicated in the following schedule in lieu thereof:

Schedule of the Amendment to which the House of Assembly has disagreed

No. 1 Page 16, lines 12 and 13 (clause 25)—Delete subclause (4) and substitute:

(4) The Court must, as soon as practicable after the completion of the inquest, forward a copy of its findings and recommendations (if any)—

(a) to the Attorney-General; and

(b) in the case of an inquest into a death in custody, to—

(i) any other Minister (whether in this jurisdiction or some other jurisdiction) responsible for the administration of the Act or law under which the deceased was being detained, apprehended or held at the relevant time; and

(ii) each person who appeared personally or by counsel at the inquest; and

(iii) any other person who, in the opinion of the Court, has a sufficient interest in the matter.

(5) If the findings on an inquest into a death in custody include recommendations made by the Court, the Attorney-General must, within 6 months after receiving a copy of the findings and recommendations—

(a) cause a report to be laid before each House of Parliament giving details of any action taken or proposed to be taken by any Minister or other agency or instrumentality of the Crown in consequence of those recommendations; and

(b) forward a copy of the report to the Court.

Schedule of the Alternative Amendments made by the House of Assembly

Clause 25(4), page 16, lines 12 and 13—delete subclause (4) and substitute:

(4) the Court must, as soon as practicable after the completion of the inquest, forward a copy of this findings and any recommendations—

(a) to the Attorney-General; and

(b) in the case of an inquest into a death in custody—

(i) if the Court has added to its findings a recommendation directed to a minister or other agency or instrumentality of the Crown—to each such Minister, agency or instrumentality of the Crown; and

(ii) to each person who appeared personally or by counsel at the inquest; and

(iii) to any other person who, in the opinion of the Court, has a sufficient interest in the matter.

(5) The minister or the Minister responsible for the agency or other instrumentality of the Crown must, within 8 sitting days

of the expiration of 6 months after receiving a copy of the findings and recommendations under subsection (4)(b)(i)—

(a) cause a report to be laid before each House of Parliament giving details of any action taken or proposed to be taken in consequence of those recommendations; and

(b) forward a copy of the report to the State Coroner.

CHICKEN MEAT INDUSTRY

The House of Assembly agreed to the bill without any amendment.

CRIMINAL LAW (SENTENCING) (SENTENCING GUIDELINES) AMENDMENT BILL

The House of Assembly, having considered the recommendations of the conference, agreed to the same.

ADJOURNMENT

At 12.07 a.m. the council adjourned until Thursday 17 July at 11 a.m.