

## LEGISLATIVE COUNCIL

Monday 22 September 2003

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

### RICHARDS, Mr J., DEATH

The **PRESIDENT**: It is with sadness that I inform the council of the sudden death on Saturday of Mr John Richards, the husband of *Hansard* Leader, Joan Richards. I am sure that all members and staff of the council will join with me in offering our sincere condolences to Joan and her family.

Honourable members: Hear, hear!

### ENVIRONMENT, RESOURCES AND DEVELOPMENT COMMITTEE

The **Hon. J. GAZZOLA**: I bring up the report of the committee on stormwater management.  
Report received.

### GLENSHERA SWAMP CONSERVATION PARK

The **Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries)**: On 18 September 2003, in response to a question by the Hon. Sandra Kanck about Glenshera Swamp Conservation Park, I stated, 'As I understand it, Glenshera Swamp has been declared a dual proclaimed park.' I would like to correct this, as I have subsequently been advised that Glenshera Swamp is a proposed park that is yet to be proclaimed under the National Parks and Wildlife Act. In all other respects, the answer that I gave the council on Thursday accurately reflects the position of the Department of Primary Industries and Resources South Australia on the proposed proclamation of this area.

### EX GRATIA PAYMENTS

The **Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries)**: I would also like to clarify an answer given in response to a question from the Hon. Angus Redford on 18 September 2003 on the topic of ex gratia payments. I was asked about an ex gratia payment made for a cat that the owner alleged died as a result of fruit fly spraying in their area. I said that the cat (whose name escaped me at the time but which, I can now advise, was Dudley) died following the fruit fly eradication program at the end of 2001-02; in fact, the cat died in March 2001.

As is often the case with these matters, negotiations for settlement continued during 2001 (when the Hons Rob Kerin and Caroline Schaefer were the responsible ministers) and ended in April 2002, when I was advised by crown law to settle the matter for the agreed sum. Whilst there was never any proof that Dudley died as a result of the fruit fly eradication program and no liability whatsoever was accepted, it was deemed financially prudent to settle the matter rather than to proceed to court and to risk spending considerably more in defending the case.

### NATIONAL PARKS

The **Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation)**: I table a copy of a ministerial

statement on the review of national parks legislation made today in another place by the Hon. John Hill.

### WORKCOVER

The **Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation)**: I table a copy of a ministerial statement on WorkCover made today in another place by the Minister for Industrial Relations.

### REGIONAL AIRPORTS

The **Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation)**: I table a copy of a ministerial statement on security in our regional airports made in another place by the Minister for Transport.

## QUESTION TIME

### HOMELESSNESS

The **Hon. R.I. LUCAS (Leader of the Opposition)**: I seek leave to make an explanation before asking the minister representing the Premier a question on the subject of government promises.

Leave granted.

The **Hon. R.I. LUCAS**: Prior to the last election, one of the enormously popular promises made by the then Labor opposition, now government, was a commitment outlined in the *Sunday Mail* of 27 January, which was summarised as follows:

An extra \$4 million to help struggling families, halving homelessness and establishing a mentor scheme for youth are key elements of Labor's families and community package. . . set a target to halve the 7 000 homeless on the streets.

The Labor Party's plan for older South Australians and housing was referenced as 'Work with local housing organisations, services and the Social Inclusion Unit to reduce the number of homeless in this state by 50 per cent during the life of the government.'

There was some questioning about the accuracy of that claim last year and, in response to that, the Social Inclusion Board Chairman, Father Cappo, indicated as follows:

The target that the Premier has set for us—  
that is, 50 per cent of the 7 000 homeless—

is achievable—the board is unanimous in that, the unit is unanimous in it—and we're proceeding accordingly.

A government spokeswoman said that the comment was taken from the minutes of a meeting six months ago and the target remains in place. She said the government would not achieve anything if it did not set itself worthwhile targets, with strategies expected to be released in six months. In August, when announcing a plan on homelessness, the Premier was quoted variously, and I will cite one quote from SAFM on 25 August, as follows:

We are backing Father David Cappo's plan with \$12 million over the next four years. Our plan of action is to reduce the number of people sleeping out, sleeping rough, by 50 per cent during the life of my government.

I note that the definition is now not aimed at the 7 000 homeless but at halving the number of people sleeping rough, which is a much smaller subcategory of the total 7 000 homeless. Members would be aware that, in the Governor's speech, which outlines the government's program for this session, the Governor indicated:

The government's social inclusion initiative is tackling some of our most pressing social issues. Its centrepiece, the Social Inclusion Board, is chaired by Monsignor David Cappo, Vicar-General of the Catholic Church in Adelaide. The board recently released its second report, *Everyone's responsibility: Reducing homelessness in South Australia*. It outlines my government's initial response and a 14-point plan of immediate actions to help achieve a target of halving the number of people sleeping rough in this state.

I again note that the target of reducing the total number of homeless people, that is, 7 000, has been redefined to a smaller category of halving the number of people who are sleeping rough in this state. My question is: does the Premier stand by his commitment made prior to the election that his target for this four-year parliamentary term is not halving the number of people sleeping rough in South Australia but halving the total number of homeless people in South Australia, which had been estimated at some 7 000 persons?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I will refer that question to the Premier and bring back a response. If the Leader of the Opposition is really as concerned about the housing problems in this country as he purports to be, one hopes that he would use his best offices with his federal Liberal colleagues to do something about the situation facing young people with record housing prices and, at the same time, if they are to better themselves, the ever-larger debts from higher education institutions with which they are saddled.

**The Hon. R.I. Lucas:** What about stamp duty costs?

**The Hon. P. HOLLOWAY:** Stamp duty is a very small part of that and the rates have not changed, as you know. We know that there is a housing crisis developing in this country—a crisis of housing availability for young people. Frankly, the Howard government will have a lot to answer for at the next election in relation to that.

**The Hon. NICK XENOPHON:** I have a supplementary question. How many people does the premier consider are sleeping rough of the 7 000 referred to in the Leader of the Opposition's question?

**The Hon. P. HOLLOWAY:** That is a very good question. I would have thought that if someone was homeless they would probably sleep fairly rough. I will pass that question on.

## MENTAL HEALTH

**The Hon. R.D. LAWSON:** I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about mental impairment.

Leave granted.

**The Hon. R.D. LAWSON:** In today's *Advertiser*, Colin James has given wide publicity to an issue with which most members of this place are already very familiar—namely, the appalling manner in which people with mental health problems are being dealt with in our criminal justice system. Part 8A of the Criminal Law Consolidation Act contains very extensive mental impairment provisions. As Mr James' article reveals, a number of alleged offenders are, in each year, released—notwithstanding the fact that they were not found guilty by reason of insanity. Section 269V of the act provides that if a defendant is committed to detention under the mental impairment provisions the defendant is in the custody of the Minister for Human Services, who may give directions for custody, including:

- (a) placing the defendant under the custody, supervision or care of another; and

- (b) if there is no practicable alternative—directing that a defendant be kept in custody in a prison.

Today Mr James quoted Parole Board Chairwoman, Frances Nelson QC, and mentions that she has complained that the Parole Board has not been informed by the Courts Administration Authority about the release of mentally ill offenders into the community. She mentions that the responsibility for supervision is shared between the Department of Human Services and the Department of Correctional Services. The article states

Correctional Services has informed the Justice Department the increasing number of orders being made by judges under Section 269 of the Criminal Law Consolidation Act is placing strain on its community correction officers.

My questions to the minister are:

1. What action is his department taking to meet its 'supervisory responsibility' to prisoners with mental health needs or issues?

2. What assurance can he give that the safety of the community is not being compromised by the incapacity of his department to appropriately supervise these people?

**The Hon. T.G. ROBERTS (Minister for Correctional Services):** I thank the honourable member for his important question. As he would know, as a former minister for correctional services, the operation of section 269 is a difficult question for government in relation to the cross-over responsibilities of relevant ministers. It has been noted in this council on many occasions that the number of people with mental health difficulties finding their way into prison is unacceptable. As a fundamental question, in relation to how we would see the number of people entering our prison system and those who must exit, they certainly need to be supervised properly if their exiting instructions under the supervisory provisions of parole are required for mental health servicing to be provided by the administration of drugs or other psychiatric treatment. They have to be supervised.

As the honourable member indicates, mental health service orders (which are dealt with under section 269) come under the DHS, and I will refer the relevant questions to that minister. The DCS plays only a minor role in the release of prisoners, their parole conditions and the supervision of their parole. However, if the number of people with mental health problems entering and exiting the prison system is increasing, the Department for Correctional Services will have to play a more supervisory role, and some of the funding that has been indicated will have to be applied to that.

I will discuss Frances Nelson's comments with the Minister for Justice. As I said, identification, entry and treatment programs within prisons as well as exiting and parole and supervisory programs are complicated and need to be examined. I undertake to bring back a reply as to where the government considers it needs to be in relation to the formation of the 2003-04 budget.

**The Hon. R.D. LAWSON:** I ask a supplementary question. Will the minister confirm that the Parole Board is part of his ministerial responsibility and that all officers who are employed by or work for the Parole Board come under his ministerial responsibility?

**The Hon. T.G. ROBERTS:** Responsibility for those on parole does fall under the Department for Correctional Services. As I said, we will work with Justice and Mental Health Services to do what we can in relation to those responsibilities. As I have indicated in this place on other occasions, gaps in the servicing programs have been identi-

fied and we are dealing with those. This is not something that has developed overnight. The honourable member would acknowledge that under the previous government the same difficulties existed in relation to how we deal with mental health patients within the prison system.

We are starting to work across agencies to develop a more interrelated method of following these people through the services system and trying to fill the gaps and cracks. As I have indicated in this council before, one Aboriginal person under the support of Correctional Services fell through the gaps when travelling by bus through this state. He did not arrive at the place where he was to alight and did not continue with his treatment. Unfortunately, he is a victim in that Correctional Services was not able to deal with the problem because there was a gap in having someone to personally manage this individual through aspects of his life until he arrived back in the Correctional Services system.

There are people who move in and out of correctional services who also need to be followed, and I accept the inherent responsibility within the question asked by the honourable member. We must pick up the role that needs to be played within correctional services to work with the health services system in dealing with prisoners suffering mental health disorders. Also, we need to work with the Parole Board to work out the orders as they are made, and make sure that they are supervised correctly.

#### BUCKLAND PARK WASTE TREATMENT FACILITY

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the organic waste facility to be established at Buckland Park.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** On 24 October last year I raised concerns in this council with regard to the consultation process that was being undertaken with regard to establishing major project approval for the establishment of an organic waste facility at Buckland Park. There was then and is still considerable concern among the Adelaide Plains horticulturalists with regard to the establishment of such a facility to such an extent that, I understand, members of that community staged a protest rally today.

My specific questions at that time were: will the minister explain why PIRSA and SARDI were not consulted; has he taken steps to see that this will not happen again; is, indeed, this a fait accompli or can some further consultation take place; and, have protocols been established to protect the vital Adelaide Plains horticultural, floricultural and wine industry and, if not, why not? At the time, in part, the minister replied:

I am aware of the threat in that area.

He further stated:

There are further pests such as one type of garden insect prevalent in the domestic gardens of Adelaide. There was a fear that, if compost were brought from the metropolitan area to any local facility, such pests could gain easy access to this important market garden region. I am aware that, on being made aware of this, my department has made some representations on this matter. I am not sure where the application for this project is in the system at present. I am not aware of exactly what stage it is at now, but I will find that out.

The minister then said:

Clearly, there needs to be an input from the primary industries sector in relation to these matters. It was my understanding that it happened. However, I will check and bring back a reply.

The reply must have been lost in the mail, because that was 24 October last year and I have had no correspondence on that matter from the minister whatsoever. I will now repeat my questions, as follows:

1. What consultation has PIRSA and SARDI had in the development of the proposed Buckland Park waste facility?
2. Have protocols been established to protect the vital Adelaide Plains horticultural, floricultural and wine industries and, if not, why not?
3. If those protocols have been satisfactorily established, what involvement has the horticultural industry of the Adelaide Plains had in the establishment of those protocols, and what consultation has taken place with the members of that industry?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** It is certainly my understanding that an answer was given some time back, but I will check that out. There certainly should have been. Certainly, answers were provided to other members in relation to that. Perhaps I will start with the last question first. I will be meeting with some growers from the Adelaide Plains later this week—I think that it might be even as soon as tomorrow—in relation to this matter. I have had that arrangement for some time. I have met with growers in that area on a number of other occasions over the past 12 months in relation to this matter.

The background to the organics waste treatment and recycling facility at Buckland Park is that the project has been declared a major project under the Development Act 1993. The proponent, Jeffries, has prepared a public environment report (PER) describing the proposal, the environment in which it is proposed to be located and the likely impacts and how such impacts will be addressed. I am advised that Planning SA is preparing an assessment report on behalf of the Minister for Urban Development and Planning, assessing and clarifying the matters related to the proposed development to assist informed decision making. I am advised that the report will be made publicly available. The Minister for Planning and Urban Development will present a proposal to cabinet for a recommendation to the Governor, who is the responsible decision making authority. The Governor will make a decision on the proposal. There are no rights of appeal for either the proponent or the third parties against the decision on a proposed development that has been the subject of a PER.

Planning SA relies, amongst other things, upon information provided by other government departments in the compilation of the assessment report. PIRSA is the government agency responsible for the management of plant pests and diseases, and it was asked to provide advice to Planning SA. Based on the information in the PER and the response document, the facility may risk the introduction of plant pests and disease to the Northern Adelaide Plains. The proposed facility would incorporate a range of measures designed to minimise those risks. A number of them were incorporated following the advice that PIRSA gave in relation to that. I am advised that the risk mitigation measures for the proposed facility would exceed those applying at other organic waste facilities in the state.

It is worth pointing out that the Northern Adelaide Plains is already at risk from pests and diseases as a result of existing activities and practices by growers and others. I will give some examples of those: the uncontrolled and indiscriminate dumping of plant material on roadsides and properties; the movement along Port Wakefield Road of waste from metropolitan Adelaide to landfill sites in the

north; the reuse of cartons and pallets brought in from interstate to produce markets; and the importation of potatoes to processing plants on the Northern Adelaide Plains. So, whereas this new facility poses risks, it has a number of risk mitigation processes in place, and there are also other risks in the areas.

PIRSA has advised Planning SA that, provided the proposed risk mitigation measures are adopted, the proposed facility is considered to be no more likely than current activities and practices to result in the introduction of plant pests and diseases to the Northern Adelaide Plains. That is not the same thing as saying that is necessarily the best site. However, my department could give advice only in relation to the information sought. Subsequent to that advice, just last week I received some correspondence from a gentleman who has recently arrived from New Zealand and who raised a number of concerns in relation to the handling of waste. Whereas these would be relevant to the Jefferys waste treatment works, they would also provide a risk to that area, anyway.

As a result of that correspondence, my department has informed AQIS in relation to protocols regarding the threats raised by this person, and I also will be writing to the federal minister and my colleague Minister Weatherill in relation to that issue. The Department of Primary Industries and Resources can give advice only in relation to the proposal as it is put up and in relation to risk. The risk is not zero. However, there are other risks in the area, and at the end of the day that decision will have to be taken in cabinet in relation to all the factors that apply to this proposal.

#### DAIRY INDUSTRY

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about the dairy industry.

Leave granted.

**The Hon. CARMEL ZOLLO:** Last year, the Premier launched the South Australian Dairy Strategic Plan for 2010. This plan is admirably aimed at ensuring that we continue to have a sustainable resource base, that we consolidate a viable production sector and attract dairy investment to the state. Its vision is to double milk production to 1.5 billion litres annually by 2010, achieving the highest added value level per litre of milk in the Australasian region and earning \$1 billion annually. Can the minister advise the council what is being done by the state government to aid the dairy industry in achieving its goal?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I thank the honourable member for her important question. I am aware that she has had a long interest in the dairy industry—in fact, I know that she raised the matter in her Address in Reply speech last week. The state's dairy industry has a long recognised history of high productivity and quality, Mr President—as I am sure you are aware, as someone who has also had a longstanding interest in the dairy industry. In the eight years to 2001-02, South Australia's average milk production per cow has been the highest of all Australian states, and this year we overtook Queensland to become the third highest milk producing state, behind New South Wales and Victoria.

**The Hon. T.G. Roberts:** Showdown—

**The Hon. P. HOLLOWAY:** Yes, well, at least we can have a victory—

*An honourable member interjecting:*

**The Hon. P. HOLLOWAY:** That's right. The Dairy Industry Development Board is optimistic that the goals set in the state dairy plan to double milk production from the 700 million litres produced in 2000-01 will be achievable by the year 2010. This target will also triple the wholesale value of South Australia's dairy industry to \$1 billion per year by 2010 and add a further \$680 million to the state's gross product.

To assist the dairy industry to reach these goals, the Rann government has allocated \$320 000 over the next three years towards further development of the South Australian Dairy Plan. The state government will provide \$70 000 this financial year, with an additional \$15 000 coming from the farmer body, the South Australian Dairy Farmers Association. Some \$125 000 has been allocated next financial year, and a further \$125 000 in 2005-06. The funding will go towards appointing a program facilitator, who will coordinate the dairy plan's development and implementation strategies with industry, government and regional communities.

One of the key advantages of the major South Australian milk producing regions is their resilience to drought, based on the availability of water from irrigation and reliable rainfall, even in the severe conditions experienced in the recent national drought. A pleasing spin-off from the plan is that, if the targets are met by 2010, the state's herd size will increase to 200 000 cows, and employment in the industry could well increase from 3 000 to 6 500.

**The Hon. CAROLINE SCHAEFER:** Sir, I have a supplementary question. Can the minister tell us how many cows have been lost to the South Australian dairy industry as a result of the sale of properties on the Lower Murray irrigation flats as a result of the drought, and how far has this set the 2010 target back?

**The Hon. P. HOLLOWAY:** There is no doubt that the conditions that we have experienced over the past 12 months have caused some setback not just to the dairy industry but also to a number of other rural industries in this state. However, last year, South Australia was the only state, I think (there may have been one other), to have increased production last year, whereas all other states, particularly Victoria and New South Wales, reduced production as a result of the drought. So, that underlines the latter point I made, that there is some resilience here.

The Lower Murray swamps reclamation program had been planned for many years. It was unfortunate that the very year it was introduced was the time of such difficult ongoing drought conditions and, of course, this year we have water restrictions. But my colleague the minister for water, land and biodiversity conservation extended the period in which graziers in those swamps were able to adjust. I know that further talks have been undertaken with producers in that area and one would hope that, as a result, we will achieve a better outcome than was perhaps shaping up earlier this year. At this stage, it is probably too early to tell.

The government believes that it is still on track to achieve the dairy plan but, obviously, in that area of the state problems have been created by the worst drought in a hundred years. It is inevitable that the centre of gravity of the dairy industry, if I can use that term, will shift further to the South-East of the state.

**The Hon. CAROLINE SCHAEFER:** As a further supplementary question, how many dairy farms have ceased

practising as dairies since the Labor government came into power?

**The Hon. P. HOLLOWAY:** I do not have the figures with me, but I will obtain them for the member. If I recall correctly, certainly more than 100 farms have vanished over the last few years because of the dairy deregulation that has been driving reform. If one goes back to that date, a significant amount of restructuring of that industry has taken place as farms get larger in order to survive, as they must. Indeed, the dairy plan will be achievable only if farms become more efficient, which means using the latest technology of rotating dairies and larger herd sizes. Some time ago, 400 would have been considered a large herd, but now a herd that size is probably—

**The Hon. T.G. Roberts:** Average.

**The Hon. P. HOLLOWAY:** Probably that's right—average. Herds are getting bigger, and an inevitable amount of restructuring has taken place following dairy deregulation. This year, the other factor is that dairy prices have been particularly low, which has added further to the difficulties faced by many dairy farmers. If one looks at causes for that, one can go into the market structure within our supermarket industry and other factors. Nevertheless, from the state's point of view, it is important that we have been able to increase our production at a time when other states' production has fallen, which I think indicates the underlying strength of this industry.

#### SHINE SA

**The Hon. KATE REYNOLDS:** I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Minister for Education and Children's Services, a question about newspaper advertisements defaming the Sexual Health Information Network and Education SA (known as SHine SA), which is running a sexual health and relationships program in state secondary schools.

Leave granted.

**The Hon. KATE REYNOLDS:** Concerns have been raised with my office regarding the publication of an anti SHine advertisement in last Thursday's edition of *The Port Lincoln Times*. The large advertisement, which was headlined 'Theft of children', states that 'some government educators want to steal your children's values and thinking away from you', and claims that the program 'deliberately seeks to normalise and popularise homosexuality and bisexuality'. The advertisement finishes by urging parents not to let the education department 'steal your children's innocence or your family's values'.

This anonymous advertisement, which lists only an incorrect post office box for queries, has caused grave concerns within the education and health sectors. One teacher who contacted my office said that teachers were:

... distressed and disgusted that these people, the opponents of SHARE, would stoop to this level. Their homophobic hatred is fuelling the campaign of misinformation, fear and alarm. They not only place people who may or may not be gay, lesbian or bisexual at great personal risk. . . but also education department teachers and the staff of SHine SA are likely to be exposed to even more violence and harassment.

I draw attention to the fact that the program, which currently is being taught in 15 high schools, is proving extremely popular with both students and teachers, has generated considerable support from community-based health educators and commentators on youth issues and has received resound-

ing endorsement from the Youth Affairs Council of South Australia. My questions to the minister are:

1. Is she aware of the advertisement that was published in *The Port Lincoln Times* last week?

2. Will she address the concerns raised in the advertisement by, at the very least, placing an advertisement in the same paper as soon as possible which outlines the benefits of the program and the reasons it was introduced?

3. How is she planning to counter the negative campaign against the Sexual Health and Relationships Education program, particularly in the country communities, where SHine is offered?

4. What steps is the minister taking to protect teachers delivering the program in schools and SHine staff from further harassment from anti-SHARE and anti-SHine campaigners?

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I will refer that question to the Minister for Education in another place and bring back a reply.

#### BUCKLAND PARK WASTE TREATMENT FACILITY

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** The Hon. Caroline Schaefer asked me a question previously in relation to the Buckland Park waste treatment facility. She claimed that I had not responded to a question that she asked on 24 October 2002. In fact, an answer to that question was incorporated in *Hansard* on Thursday 15 May at page 2344.

#### CHILD ABUSE

**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 concerning the investigation of child abuse.

Leave granted.

**The Hon. A.L. EVANS:** I spoke to a father today who has endeavoured to do all he can to look after the best interests of his children. Mr Shane Kulcher is the father of three boys aged 8, 6 and 3. His children reside with their mother. However, he has shared custody. During times of contact with the children, Mr Kulcher has observed physical harm and his children have mentioned incidents of physical harm. Shane has reported the incidents to the child abuse hotline and FAYS staff and he has lodged a complaint with the police.

In response to the latest incidence of violence, he sought a court order restraining himself, his former partner and any third party from disciplining his children or using excessive force when disciplining them. Mr Kulcher is a realist. He says that he received good support from the various agencies when he finally complained. However, his complaints have not been formally investigated. The court order that Mr Kulcher obtained in relation to the last incident was due to his own action, which was prompted by FAYS' inaction. My questions are:

1. Will the minister explain why FAYS has not investigated any of the incidents reported by Mr Shane Kulcher to the child abuse hotline or FAYS?

2. Will the minister explain why feedback has not been given by FAYS to Mr Kulcher in relation to his complaints?

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

#### ELDERLY PEOPLE, FALLS PREVENTION

**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 Health, a question regarding falls prevention in older people.

Leave granted.

**The Hon. J.M.A. LENSINK:** It is estimated that 8 000 South Australians are admitted to hospital each year at a cost of \$50 million. This figure does not include costs associated with loss of independence or any particular personal suffering. It is estimated that fall-related costs will rise in this state by 50 per cent unless additional action is taken. The causes of falls are well known: loss of muscle tone, bone density, reduced strength and flexibility, reduced balance, reduced eyesight and environmental hazards leading to trips and slips, and much empirical evidence supports these causal factors.

The state government continued to claim as recently as 19 September that it has made falls prevention a 'primary health care priority' through the allocation of some \$150 000 over four years, which equates to a mere \$37 500 per annum. I note that a report into falls prevention commissioned by the state government, authored by Mr Jerry Moller, refers to excellent material that has been put together by the New South Wales government in which it has developed best practice guidelines and strategies for prevention in hospitals, aged care facilities and in community settings, and includes a falls prevention checklist for use in the home.

The Moller document, which is now some 15 months old, having been published in June 2002, has three recommendations to this state government. These recommendations are, first, to develop specific local programs; secondly, to implement a similar policy to that of New South Wales Health; and, thirdly, to increase the level of research and training. I note that more than nine months has passed since the minister undertook to develop a state Falls Prevention Action Plan. My questions are:

1. What is the status of the action plan?
2. Will the minister consider providing any additional funding (not just \$150 000 over a period of four years) for falls prevention strategies?
3. What specific strategies are to be implemented with this funding and in what setting are they to take place (community, acute or residential)?
4. Will the government consider adopting the measures promoted by New South Wales Health rather than reinventing the wheel?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for her well-researched question. My mother (aged 96) recently had a fall because of one of the reasons outlined by the honourable member. The attention she is now receiving is certainly far more acute than before she had her fall, so Human Resources are sucked up if prevention programs are not put in place at appropriate times. I understand that prevention programs are running at all levels throughout our services, but I will refer the honourable member's questions to the Minister for Health in another place and bring back a reply, which I hope will be fuller and more complete than my anecdotal contribution.

#### ROYAL ADELAIDE HOSPITAL

**The Hon. J.F. STEFANI:** I seek leave to make a brief explanation before asking the minister representing the Minister for Health a question about bed shortages at the Royal Adelaide Hospital.

Leave granted.

**The Hon. J.F. STEFANI:** On 1 September 2003 I was contacted by a prominent leader of the Italian community who rang me on behalf of a close family acquaintance because her operation which was scheduled to take place at the Royal Adelaide Hospital had been cancelled on three different occasions due to bed shortages. I took the trouble to speak with this young mother who is suffering from serious kidney problems (including renal failure) as well as bowel problems. She has been on the waiting list for major surgery for months and has been promised treatment over a lengthy period of time. On each of these three occasions she was advised that her operation would take place on a given day only to be told on that day (or before that date) that her operation had been cancelled.

Apart from the obvious inconvenience which all of these cancellations have caused her, this young woman has suffered psychological stress because, every time she mentally prepared herself for the operation, at the last minute she was let down. On 2 September I personally rang the Royal Adelaide Hospital and spoke with the personal assistant to the surgeon who was to perform the operation. She assured me that the operation had been rescheduled for 19 September 2003 and that this time it definitely would go ahead no matter what. I rang the young woman to advise her that assurances had been given to me by the personal assistant to the surgeon that her operation would take place without fail on 19 September 2003.

To my complete amazement, on Friday morning 19 September I received a phone call from the person who had originally contacted me about this matter. He informed me that the operation had been cancelled that morning due to bed shortages at the Royal Adelaide Hospital. This was the fourth time that the scheduled operation had been cancelled, and the young woman was too distressed to speak to me about it. I immediately rang the Royal Adelaide Hospital and spoke to the surgeon's personal assistant, who was not even aware that the operation had been cancelled by the hospital. As far as she was concerned, the operation was still scheduled to take place and the surgeon was due to attend at the hospital that morning to perform the operation.

On arrival at the hospital the surgeon rang me and expressed his great concern that the system of allocating ICU beds was not working and expressed his deep distress and sympathy for the patient who had been through this trauma four times. The surgeon expressed the view that this matter should be raised in parliament. My questions are:

1. Will the minister give a guarantee that this young woman, who has been through a great deal of anxiety and trauma on four different occasions, will be provided with the appropriate medical treatment?
2. Will the minister keep the promise made by the Premier in his 'My pledge to you' card, which promised that Labor will provide better hospitals and more beds?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those questions to the Minister for Health in another place and bring back a reply. However, I take time to note that discussions have taken place around the cabinet table about the pressure that

has currently been placed upon hospitals as a result of the seasonal factors associated with the flu. But, again, I will endeavour to get those questions to the minister in another place and bring back a reply.

**The Hon. NICK XENOPHON:** As a supplementary question, is the minister suggesting that seasonal factors are the primary reason for the delays to which the Hon. Mr Stefani referred?

**The Hon. T.G. ROBERTS:** I am in no position to make any assessment based on that case, but the general pressure that has been placed on all hospitals has been exceptional due to the long and continuing bout of flu that has been dogging South Australia, and Adelaide in particular.

**The Hon. J.F. STEFANI:** As a supplementary question, does the minister consider that from March or April this year is a reasonable wait to have a serious surgical procedure undertaken?

**The Hon. T.G. ROBERTS:** It is not for me to determine priorities for the hospitals. It is unfortunate. I will use another anecdote: my mother also had to wait an extended period. The honourable member will find a lot of cases where surgery must be altered or postponed and time frames changed due to the way in which surgeons are prioritising their cases within their time frames and the available resources.

**The PRESIDENT:** That was a very long no.

#### GRANTS FOR SENIORS

**The Hon. J. GAZZOLA:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about grants for seniors and Positive Ageing Development Grants.

Leave granted.

**The Hon. J. GAZZOLA:** I note that community organisations made successful bids within the Positive Ageing Development Grants and Grants for Seniors Programs for 106 projects. The Minister for Social Justice announced in another place earlier this year a revamp of these programs. These are the first to be considered under the new criteria. I further note that Positive Ageing Development Grants—worth a total of \$200 000—have been allocated for innovative programs relating mainly to employment issues for older workers and the fostering of better intergenerational links. There were 97 different seniors groups that succeeded in obtaining a one-off grant. My questions are:

1. Will the minister inform the council of what programs grants were made available for indigenous projects from the latest allocation of funds through the Positive Ageing Development Grants and Grants for Seniors?

2. What are the benefits to the indigenous community through receiving these grants?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for his question and his continuing interest in indigenous communities throughout the state. The honourable member is quite correct: 97 different seniors groups were successful in obtaining one-off grants for seniors this year. Of this, 6.1 per cent of funding went to Aboriginal groups; 25.4 per cent went to members of culturally and linguistically diverse communities; people living in regional and remote areas received 39.7 per cent; and 28.8 per cent went to other groups, for those who are counting the residual percentage, while frail aged people were represented across all categories.

In relation to positive ageing development grants, grants worth a total of \$200 000 have been allocated for innovative programs, relating mainly to employment conditions for older workers and the fostering of better intergenerational links. This is a new aspect of what the government is trying to achieve. The positive ageing development grants address issues such as mature age employment, intergenerational issues and other initiatives which facilitate the respect and inclusion of seniors in their communities.

To give members a sense of the broad range of initiatives involved, one of the successful proposals is one under which the Council of Aboriginal Elders (Port Lincoln regional forum) from the Eyre Peninsula region received \$17 000 for Yungarn (to give, to share), through which elders will mentor Aboriginal schoolchildren, including a culturally based trip to Uluru and outlying areas. One aim is to improve quality of life for older people in the community under this program that seeks to foster respect between Aboriginal elders and high school students.

It is hoped that the students will develop self-esteem while increasing their respect for their elders and that, when the elders tend to some of these programs within the secondary schools, a broad understanding of Aboriginal issues will also pass on to general community members. Young Aboriginal students will feel as though their culture means something to them, and it will mean more to them if others respect it in the same way. The program will gain respect for their culture—or regain respect for those who have lost it—and further cement the respect of those who are still practising. Some of the young people in regional and remote areas are attuned to and are still a part of the cultural understanding that is passed on. That is one of the good things about living in South Australia: we have an opportunity to address some of the decline in cultural understanding through the broad community, and that is what this program will try to do.

It will also show the young people the knowledge and understanding—and in some cases the humour—the elders have to share, and achieve this while their elders are fit and well enough to provide this experience. We have to capture that spirit now because, as I have said in this council, if we lose that spirit for just half a decade, many of the elders who are prepared to involve themselves in these programs will no longer be available. We have to capture that opportunity now.

As the result of another proposal, the Nangkada Tjikarna Council Inc. received \$20 000 for a community pride program in Point Pearce, in which elders will work with the local Aboriginal school to share knowledge of Narungga culture and the Point Pearce community. Several Aboriginal groups are collaborating on this project. This also brings about a generational rebuilding of understanding of some of the differences that exist within Aboriginal communities within particular regions.

This Labor government is strongly committed to older people, including those living in regional South Australia, and our indigenous elderly. These grants programs are an important part of a greater effort to enhance positive ageing and quality of life and promote social justice in the community. I will comment on the previous government's contribution, particularly in the Coober Pedy area, where time, energy and effort was put in to developing aged care programs for forgotten Aboriginal people in that area.

### MENTAL HEALTH ACCOMMODATION

**The Hon. SANDRA KANCK:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs, representing the Minister for Health, a question about availability of mental health beds in our public hospital system.

Leave granted.

**The Hon. SANDRA KANCK:** Last week, I spoke during Matters of Interest about the experiences of a woman who was experiencing a psychotic episode being placed in a general ward at the Royal Adelaide Hospital with a Group 4 security guard to control her. She was embarrassed to later find out that her behaviour had kept one patient awake all night when that patient was due to have major surgery the next day, and her own mental state was not helped by having a bikie in the room across the way threatening to kill her if she did not shut up.

There were administrative stuff-ups concerning her detention order under the Mental Health Act and her private psychiatrist not being told of her admission; medical decisions to take her off her antidepressants, leading to her becoming suicidal; and nursing mistakes such as leaving all her medication on the window ledge. On that date, 26 June, she was one of 25 patients in the Royal Adelaide Hospital who were unable to be accommodated in ward C3 and who were, therefore, spread around the hospital with Group 4 guards assigned to each of them, 24 hours a day. There was not a single mental health bed available in the state on that day.

In the speech that I made last week, I speculated that, if Group 4 was recompensed \$20 per hour for each guard, and if this situation held out for six days, the state would have to have paid out approximately \$72 000. If this was occurring at the Royal Adelaide Hospital it was, in all likelihood, occurring at our other major public hospitals. My questions to the minister are:

1. On 26 June, in each of Adelaide's metropolitan public hospitals, how many mental health patients were being accommodated in wards not specifically designed to cater for patients who are mentally ill, and how many of these patients were assigned a private security guard?

2. For each of these hospitals for the months of June, July and August, what has been the financial outlay for private security guards for mental health patients?

3. Has the department prepared any analysis to compare the cost benefits of these figures against opening up more mental health beds?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** Thank you, Mr President.

**The Hon. Sandra Kanck:** It's not seasonal.

**The Hon. T.G. ROBERTS:** I understand the question—it is not seasonal; it is one that needs to be dealt with. I will refer the questions to the Minister for Health in another place and bring back a reply.

### GAMBLING AND HOMELESSNESS

**The Hon. NICK XENOPHON:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question about the link between gambling and homelessness.

Leave granted.

**The Hon. NICK XENOPHON:** An article by Colin James in *The Advertiser* of 26 August 2003, which was headed 'Homelessness linked to gambling', referred to an investigation by the Social Inclusion Board and a report presented to cabinet that there was mounting evidence that problem gambling, particularly since the introduction of poker machines, is 'both a cause and contributing factor' to homelessness. The board further referred to there being 'very limited research in the area of gambling and homelessness'. The board also said (according to the report) that problem gambling can 'precipitate many problems known to be associated with pathways into homelessness such as poverty, family conflict, relationship breakdown, substance abuse and unemployment'.

An article dated 21 May 2002 in *The Herald-Sun* stated that, since 1992, more than 7 200 Victorian children had become homeless because of poker machines. It was based on a report from Hanover Welfare Services, which indicates that 17 160 gambling addicts have slept on Melbourne streets or applied for emergency housing in the past decade. My questions to the minister are:

1. Given the report of the Social Inclusion Board to cabinet, what steps will the government take to urgently investigate the link between problem gambling and homelessness and, in particular, when will the government commit resources and a time frame for such an inquiry? What strategies does the government say it will use to reduce the link between gambling and homelessness?

2. Given the government's very clear commitment to reduce homelessness by half, will the government also make a commitment that the level of problem gambling induced homelessness be also reduced by half?

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

### AUSTRALIAN INDIGENOUS LEADERSHIP CENTRE

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about the Australian Indigenous Leadership Centre.

Leave granted.

**The Hon. J.S.L. DAWKINS:** I have recently become aware of the role of the Australian Indigenous Leadership Centre (AILC). The centre is a non-profit organisation that was established in 1999 under the auspices of the Australian Institute of Aboriginal and Torres Strait Islander Studies. Following initial discussions between the institute, the Australian Rural Leadership Program and the Kimberley Aboriginal Tourist Association, the AILC is led by a board of experienced indigenous leaders, with Dr Mick Dodson as its chairman. From the outset, it was the intention of those involved that an Australian indigenous leadership development program should not create or be seen to create indigenous leaders. It was determined that the program must be apolitical, and that it should focus on supporting leaders and potential leaders in providing opportunities, skill and knowledge development. While the AILC conducted its own fundraising program, receiving support from individuals and philanthropic bodies, it was also successful in gaining federal funding under the stronger families and communities program.



It is my understanding that the centre conducts two accredited courses. The certificate level leadership program is a practical course delivered in a one-week residential module for indigenous people who are active in local community affairs. The diploma level national leadership program is a specialised, high level course for those aspiring to regional and national leadership. This program comprises a series of five residential modules in urban and rural locations over a period of 18 months. Courses have already been run in city and regional locations such as Adelaide, Alice Springs and the Pilbara. Apparently, the federal government, through the Department of Transport and Regional Services, sponsors places in both these programs. My questions are:

1. Is the minister aware of the work of the Australian Indigenous Leadership Centre?

2. Will he inform the council whether the state government provides assistance for indigenous South Australians to enrol in these courses through DAARE or another state agency?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I am aware of the AILC. I became aware of it whilst talking to Mick Dodson when he was doing the report that we commissioned on the AP lands. He mentioned that the capacity building of some communities would benefit from leadership development. He did not explain a lot of the detail and, obviously, the honourable member has familiarised himself with many of the details of the operations of the AILC. I have also been lobbied by the Hon. Ian Gilfillan in relation to the Polly Farmer Foundation, which I will not say mirrors some of the activities of the AILC but which is a model—

*The Hon. Ian Gilfillan interjecting:*

**The Hon. T.G. ROBERTS:** It would complement a model such as the Mick Dodson model, which is what we will be looking at. I understand that the honourable member is promoting it in this state. It is a philanthropic body, similar to the AILC, which looks for donations and contributions from the private and public sectors to support it.

I think that, in conjunction with the Aboriginal colleges that are now being set up in various states, particularly in the Northern Territory, our own Tauondi College and other post secondary or adult entry institutions of learning, I think, is a good way of developing leadership qualities within the community that can assist the communities to engage with, in particular, our bureaucracies and our form of governance to access the leadership training programs that we run and try to integrate some of the views and ideas and cross-fertilise some of the organisational structures that we run that look at Aboriginal communities, but without engaging them in the training programs. I think it is probably a very good model for us to look at, and I will certainly—

**The Hon. J.S.L. Dawkins:** Is there any sponsorship currently?

**The Hon. T.G. ROBERTS:** My knowledge and understanding of the sponsorship is that we do not make any contribution via DAARE to the organisational structure. But I would certainly like to talk to the honourable member in detail, and then perhaps arrange a meeting with Peter Buckskin, the CEO of DAARE, to outline the member's views and thoughts on the matter.

## REPLIES TO QUESTIONS

### PARLIAMENTARY SITTINGS

In reply to **Hon. KATE REYNOLDS** (17 July).

**The Hon. P. HOLLOWAY:** The Minister for Infrastructure has provided the following information:

1. During the second session of the fiftieth parliament the majority of school holidays did not coincide with parliamentary sitting days.

2. The schedule of parliamentary sitting dates in July was determined by the timing of the budget and the need for the budget to be passed by parliament prior to the end of the parliamentary session.

3. Throughout the process of developing the schedule of parliamentary sitting dates the government will continue to avoid parliament sitting during school holidays wherever possible. Family friendly parliament is an important consideration when we determine the sitting dates along with accommodating the concerns of country members who have to leave their families behind when they come for parliament.

4. The government is always prepared to consider improvements to parliamentary practices. The number of sitting days has been set in order for parliament to be able to give proper consideration to the business which the government and private members place before it. The number of sitting days also reflects a desire by the community for parliament to scrutinise the government of the day.

5. The government is mindful of the Women in Parliament Select Committee's report and will support initiatives by the parliament to assist members with family responsibilities wherever possible.

### REGIONAL FACILITATION GROUPS

In reply to **Hon. J.S.L. DAWKINS** (14 July).

**The Hon. P. HOLLOWAY:** The Premier has provided the following information:

The role of the regional facilitation groups is to foster regional cooperation and coordination between public sector agencies with the aim of improved service delivery by optimising resource allocation, reducing replication and effective training and development.

Consultation with interested regional bodies occurs as required.

### TAXIS

In reply to **Hon. D.W. RIDGWAY** (24 March).

**The Hon. T.G. ROBERTS:** The Minister for Transport has provided the following information:

1. *Is this appropriate conduct for South Australian taxicab drivers?*

This is not appropriate conduct for South Australian taxicab drivers.

I am advised by the Passenger Transport Board (PTB), that an investigation has been conducted into this matter. The driver was identified and interviewed.

The driver has been reminded of his duties as a professional driver in accordance with the Passenger Transport Act 1994. The driver has also been counselled regarding his duty to accept all fares, regardless of where the passengers wish to travel.

2. *Is it legal?*

A driver is required to accept a request for hire except under specific circumstances such as a belief that he or she will be threatened or endangered or that the fare will not be paid.

3. *Are special arrangements made during times of peak demand such as Christmas and the Festival of Arts? If so, were the same arrangements made for this occasion?*

If requested by the taxi industry, the Passenger Transport Board may release taxis with standby licences for use during selected periods to meet extra demand. This generally only occurs in the festive period in late December.

The industry did not request that taxis with standby licences be used during the Clipsal 500 and standby taxis have not been requested or made available for previous Clipsal 500 races. However, special arrangements were made for taxi ranks and to provide additional information for the public.

### DANGGALLI CONSERVATION PARK

In reply to **Hon. J.S.L. DAWKINS** (29 May).

**The Hon. T.G. ROBERTS:** I advise:

In addition to providing answers to the honoaurable member's specific questions I advise that the Department for Correctional Services operates a number of prisoner community work crews out of the Port Augusta and Port Lincoln Prisons, the Adelaide Pre-release Centre and Cadell. These community work crews have, during the past eight years, carried out environmental work in the community conservatively estimated to be worth, in the vicinity of \$1.5 million.

The prisoners who undertake this work are carefully selected and, to date, there have been very few incidents.

The Department for Environment and Heritage, which has responsibility for our national parks, has appreciated the work that is undertaken by these offenders. The department has indicated that its environmental plans in the areas that the prisoners have been working are up to ten years in advance of where they would have normally been.

It should be very clear to all that the environmental work that these prisoners are doing to make our national parks more accessible, safer and attractive to the general community, would not be done were it not for these prisoner work crews.

In answer to the specific questions of the honourable member:

*Has the Minister's department provided a report on this serious incident?*

I have received a report on this incident and it is regrettable that the use of words such as 'stand-off' and 'barricading' have been used to describe this incident. They do little to represent the true facts of this situation and can lead to the same incorrect perception that the Hon Member has gained that this matter was serious. It was deemed to be serious by the Department for Correctional Services.

Honourable members should also be aware that these prisoners were in the park as not 'part of a training program' but to undertake environmental maintenance work as part of a long standing agreement between the Department for Correctional Services and the Department for Environment and Heritage. Similar prisoner work crews have been working in the Danggalli National Park without incident since 1996.

The facts of this matter are that five prisoners were working in the national park, under the supervision of prison officers, removing internal and maintaining boundary fencing, maintaining fire breaks, removing introduced trees and weeds and clearing roadways.

The actions of two of the prisoners involved were disruptive to the rest of the crew and, after ten days of working in the area, the officers decided they had had enough.

The incident that precipitated their decision occurred when the prisoners locked what can only be described as a flimsy wire screen door to the house in which they were staying and refused to open it. Spare keys to the screen door were situated in the officer's quarters but the officers chose to talk the prisoners into opening the door rather than return to their quarters for the spare keys or to force it open.

They rang the prison to report the matter and were advised to discontinue the camp and place the prisoners in the Berri police cells until a vehicle could be sent from Port Augusta to pick them up. The officers followed this direction and the prisoners were returned to the Berri police cells with little further disruption.

Police were not required to attend the house and their only involvement was to place the prisoners in their cells to await transportation back to Port Augusta.

My officers are not aware that any charges have, or will, be laid in regard to this matter.

*Will the Minister indicate what steps have been taken in relation to this matter and to avoid any recurrence of such an incident?*

The Department has completed its inquiries into this matter and the two prisoners who were disruptive will be allowed no future involvement in the program. The three remaining prisoners will be reassessed for future programs.

Prisoners are selected very carefully for these programs and the fact that these work crews have been successfully operating, with few incidents, since 1996 and the very minor nature of this matter, would indicate that no further action is necessary.

*When the Minister brings back a report in relation to criteria, will he seek information as to whether those criteria cover the particular situation where prisoners are in very isolated parks such as Danggalli?*

The Department's criteria for the selection of prisoners to work in our National Parks are very strict. Prisoners who are assessed as presenting a risk to the community or the supervising officers are not approved for this program.

Prisoners must be low security and in the latter part of their sentence. They are continually assessed for suitability for this program.

This program has been operating now for over 8 years. I would suggest that the success of the prisoner selection criteria has been proven by the very few incidents that have occurred since the program commenced.

### PUBLIC TRANSPORT, ADVERTISING

In reply to **Hon. SANDRA KANCK** (29 April).

**The Hon. T.G. ROBERTS:** The Minister for Transport has provided the following information:

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

The Passenger Transport Board (PTB) has a bus advertising contract with JCDecaux Australia Pty Ltd, which includes a clause on 'Standard of Advertising'.

The following advertisements are not permitted on or in buses under the contract:

- advertisements which portray public transport in a negative manner or works or may work against the promotion of public transport;
- all cigarette advertising;
- advertisements for alcoholic products that are likely to be purchased or used by children and which contain something which is likely to cause alarm or distress to children;
- advertisements which portray a person in a sexually explicit or demeaning pose or manner; and
- any advertisement which discriminates or vilifies a person or section of a community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

Notwithstanding these and other guidelines, PTB has the right to review individual complaints and make a decision on an advertisement's continued use or removal.

Private car transport and public transport each have their own advantages and disadvantages for people in different circumstances. The Government is seeking to develop service approaches which will maximise the opportunities to use public transport, such as the continuing introduction of Park 'n' Ride facilities across the metropolitan area. These facilities allow customers to park their cars in secure car parks at major bus and train interchanges and stations. Customers then board public transport services to travel to their destinations. This is an example of integrated infrastructure providing people with the opportunity to combine car travel with public transport. In the context of the guidelines, car advertising in itself does not necessarily work against the promotion of public transport.

However, if a specific complaint about a particular car advertisement is brought to PTB's attention, it will consider the complaint and determine if the relevant advertisement is appropriate.

TransAdelaide places the following conditions in all contracts that entail any form of advertising:

1. The Licensee must obtain TransAdelaide's consent prior to installing any Advertising material on the Billboard, Train, Tram, Station, Premises or Property. This is a 'blanket' condition.
2. The Licensee must not display Advertising Material that;
  - 2.1 Promotes the use or sale of tobacco or tobacco-related products (including the brand name of any tobacco product) or include the name of any company engaged in the manufacture of tobacco products;
  - 2.2 Contains material which is;
    - Obscene or offensive;
    - Political; and/or
    - Sexually explicit or exploitative, or
  - 2.3 Which does not comply with the Advertising Standards Council's ("ASC") requirements.
3. TransAdelaide reserves the right in its absolute discretion to implement any policy of the government of South Australia in relation to the advertising of alcohol or alcohol-related products.
4. All Advertising Material must;
  - 4.1 Be of good quality and workmanship; and

- 4.2 Comply with any applicable standards and legislation.
5. If the parties are unable to agree whether any proposed advertising material complies with the requirements of subclauses 1.2 and 1.4 above, the matter shall be referred to the ASC for arbitration and parties agree to:
- 5.1 Accept the ASC's decision as final; and
- 5.2 Bear the cost of arbitration equally.
6. The Licensee must remove any Advertising Material within two (2) hours of any determination by the ASC that any Advertising Material does not comply with any standards or consents required under this clause.
2. *If there are no policies or guidelines, will the Minister ensure that such policies or guidelines are developed, particularly in regard to the appropriateness of accepting advertising from competitors to public transport, such as the private car?*
- The current advertising standards are considered appropriate.

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### ADDRESS IN REPLY

Adjourned debate on motion for adoption.  
(Continued from 18 September. Page 129.)

**The Hon. J.S.L. DAWKINS:** I rise to support the motion. In doing so, I express my gratitude for the manner in which Her Excellency the Governor carries out her vice-regal duties around South Australia. I also want to mention the Lieutenant-Governor, His Excellency Bruno Kruminis, and thank him for the manner in which he presented the vice-regal speech on the Governor's behalf at the opening of parliament in this chamber last Monday. It is appropriate to follow other colleagues in noting that this ceremony provided a rare opportunity for the vital role of the Governor's deputy to be recognised and acknowledged. I thank His Excellency for the great dignity he displays when filling the vice-regal position when the Governor is unavailable.

In addressing the speech made by the Lieutenant-Governor, it is my intention to focus on the references to infrastructure and economic development, community development and young people, in particular. I note that the government's response to the Economic Development Board summit earlier this year included the appointment of a minister for infrastructure and the announcement of the creation of an Office of Infrastructure Development. I understand that the new office will play a role in policy and strategy and will develop a 'map of infrastructure future'.

In commending these efforts to seek out the infrastructure needs of the various regions, both metropolitan and rural, I hope that the audit work previously done in this area by Infrastructure SA and the former regional development working group is not overlooked. In addition, I take up some comments made by Mr Don Pfitzner, the immediate past chairman of Regional Development SA, the peak body of regional development boards across South Australia and also known as RDSA.

Mr Pfitzner of Eudunda reminded attendees at the RDSA annual conference at Victor Harbor recently that the maintenance of existing infrastructure, particularly roads, was vital to the further development of the state. A presentation at the conference by Mr Roy Blight, CEO of Barossa Light Development Incorporated, illustrated the importance of maintaining existing road infrastructure as well as looking at

the development of future routes which will aid economic development.

In his paper on the Barossa wine region, Mr Blight used figures provided by the SA Phylloxera and Grape Industry Board to detail the extent to which wineries in the Barossa region process grapes from other regions of South Australia and, indeed, across the border. Product crushed in the Barossa region totalled 184 464 tonnes in 2001. Of this amount, 45 818 tonnes were sourced from the Barossa Valley and 9 352 tonnes from the neighbouring Eden Valley. From those figures alone, it can be seen that the great majority of product crushed in the Barossa region is transported there from other winegrowing regions.

The tonnages sourced from individual regions are as follows: Riverland, 44 912; Langhorne Creek, 27 612; McLaren Vale, 11 636; Adelaide Hills, 9 248; Wrattontully, 8 753; Clare Valley, 5 991; Padthaway, 5 977; Coonawarra, 4 940; Mount Lofty, 3 250; Bordertown, 2 333; Limestone Coast, 1 946; Fleurieu, 1 174; other areas of South Australia, 291; and Victoria, 1 231.

All this transport is by truck, placing significant pressure on the road network. This is particularly felt in the Mount Lofty Ranges, where many roads are used to connect southern regions with the Barossa wineries and to avoid metropolitan Adelaide. Much of this movement of grapes is also replicated in other directions, as grapes from a range of localities are processed in other regions, producing further pressure on South Australian roads.

Having recently attended the Vinexpo wine exhibition in France, I can attest to the high regard that the South Australian wine industry has achieved internationally. The enormous benefit of this sector to the South Australian economy cannot be overstated. It is my belief that the Economic Development Board and the Office of Infrastructure Development need to recognise the high priority of maintaining these road networks, as well as recognising the opportunities to develop alternative routes.

Another paper at the RDSA conference focused on the importance of forestry to the South-East of South Australia. I am sure that the minister at the table (the Hon. Terry Roberts) is well aware of the importance of that sector in what I think he still calls the South-East, even though many others call it something else. The paper was entitled 'The feasibility of forestry' and was presented by Mr Grant King, the CEO of the Limestone Coast Regional Development Board. The forest and wood products industry generates almost one-third of the Limestone Coast regional product and underpins much of the region's economy.

There is a close relationship with the timber industry in the neighbouring districts of south-western Victoria, which makes up the other half of the Greater Green Triangle. The softwood industry comprises some 100 000 hectares of pinus radiata and directly employs 4 000 people in forestry and timber processing. This industry is highly integrated and features modern technologies. The major companies include:

- Kimberly-Clark Australia, which has a \$220 million paper machine plant being installed adjacent to its existing plants;
- Carter Holt Harvey, which purchased the former South Australian government sawmills at Tarpeena and also two sites at Mount Gambier which are undergoing a \$40 million upgrade;
- Auspine, which has a large modern sawmill at Tarpeena that has a finished goods capacity of 230 000 cubic metres per annum;

- Green Triangle Forest Products, which was formerly CSR and is now owned by the worldwide Weyerhaeuser Group; and finally
- the state government owned Forestry SA, which manages a plantation estate of over 40 000 hectares, which is a major underpinning framework that guarantees sawlog for many of the processing operations.

The blue gum industry largely followed the 2020 Vision statement launched by the federal, state and territory governments in 1997, although plantings commenced in the early 1990s. It was established to support the woodchip export industry and to provide some product for Kimberly-Clark Australia. About 35 000 hectares are now under blue gum in the region, although development has slowed due to water and land use issues.

The overall annual value of the timber industry to the Limestone Coast region is between \$1.3 billion and \$1.5 billion. Whilst there has been a push for a pulp mill by shire councils in the Victorian section of the Greater Green Triangle, a working group was established by the Limestone Coast RDB in 2000 to consider more broad-based value adding opportunities. These include:

- pulp and paper, which is a combined softwood-hardwood craft mill;
- composite wood products, such as laminated veneer lumber and oriented strand board;
- medium density fibreboard;
- sawn timber hardwood; and
- bioenergy.

With the support of the former department of industry and trade—now the Department for Business, Manufacturing and Trade (BMT)—the board hopes to develop an investment brief and to provide a snapshot of the state of the industry. Key components will include estimating the respective amounts of committed and uncommitted timber resources and the capacity of the region to host additional value adding processing. It is easy to see that the Limestone Coast region is not resting on the laurels of a successful industry but is working hard to generate further economic development in that part of South Australia.

Infrastructure requirements for the region include road networks for both harvesting purposes and transporting finished product, and efficient access to the Port of Portland is a high priority, as export woodchip trucks use the Mount Gambier-Portland road at the rate of one every eight minutes.

During a keynote speech, the infrastructure minister, Hon. Pat Conlon, told the RDSA conference that he will encourage regions to present wish lists to the Office of Infrastructure Development. There is no doubt that these can be provided. For example, the Limestone Coast region remains keen to have its rail network standardised so that it has access to the Melbourne-Adelaide line and on to Darwin, while standardisation of the line to Portland would also ease the burden on that road link. Another potential project that carries some favour in both sections of the Greater Green Triangle is the development of the border road as an alternative timber route.

It is imperative that the needs and requirements of the wine and forestry industries, as well as other vital regional-based sectors, are incorporated in the government's framework for economic development in South Australia. Having said that, I cannot overstate the need for individual regional development boards and RDSA to be closely consulted by the state government and its agencies. This accentuates my call for RDBs and local government bodies to be represented on each of the six regional facilitation groups. It is fine to ask for

wish lists to be developed, but the regions need assurance that their varying economic and community structures and associated infrastructure requirements will be heeded.

I now turn to some projects that will aid both economic and community development in the Playford and Salisbury council areas. In doing so, I note that the Lieutenant-Governor said in his speech:

My government wants to see a state in which children are given every available opportunity to learn and make the most of their potential.

The Salisbury-Playford region has been allocated more than \$12 million under the commonwealth government's Sustainable Regions program. Already \$1 154 880 has been granted to five projects. The first four of these projects have a specific focus on giving the region's young people a greater chance to build a secure future. The first of those projects will be hosted by the Northern Industry Education and Employment Partnership, under the sponsorship of the Electronics Industry Association, and that project has been awarded \$325 320.

The project proposes establishing an institute to develop education and employment pathways into the electronics, automotive and other advanced manufacturing industries which are a key part of the Playford-Salisbury region's economy. A skilled and adaptable regional work force is needed to grow these industries in the region and the proposed institute, when fully established, will make a significant long-term contribution towards increasing the availability of a suitably trained and skilled work force within the region.

The second project has attracted funding of \$133 100, and this will be sponsored by the University of South Australia under the title of peer tutoring. This project aims to improve the tertiary education participation rate of the region's students, particularly in the science, engineering and IT areas. The need for skills development is a major factor underpinning the anticipated growth in the Playford-Salisbury region, particularly in science and technology related areas at a tertiary level. It is critical that students within the region are able to take advantage of opportunities as they develop and share in their benefits. A major barrier is a lack of successful tertiary participation role models for students among their peers and family structures.

The third project is the Learning for Life Scholarship program, and that has attracted funding of \$113 960. This project will deliver the Smith Family's Learning for Life Scholarship program to an additional 235 students in the Playford-Salisbury area. The Learning for Life strategy aims to break the cycle of poverty by assisting students from economically disadvantaged backgrounds to remain within an educational institution to develop the learning and life skills to successfully access employment.

The fourth project is entitled Creating New Learning Opportunities and is sponsored by the City of Playford. This project is funded to the extent of \$71 500. The project will extend the City of Playford mobile library service to pre-schools and primary schools commencing in the Peachey Belt and then more widely across the city region. The mobile service will complement current in-school services and will provide a base for introducing other learning opportunities, provide scope for establishing a closer connection between schools and libraries, promoting student use of the library. It will include computers and internet services to give students and parents access to literacy software and global information.

In addition, the Playford-Salisbury region will receive a further grant of \$511 383 under this Sustainable Regions funding for a project to reduce the use of pesticides for weed control in horticultural areas. As we heard earlier today in question time, most South Australians are well aware of the great importance of the horticultural areas within the Salisbury and Playford council districts. The Revegetation by Design project will be undertaken by the South Australian Research and Development Institute and will have important environmental and economic benefits for the region.

The project aims to increase native vegetation cover in the Northern Adelaide Plains horticultural areas with the potential to significantly reduce the use of pesticides to control weeds. Not only will this help to enhance the area's clean and green image but land use will be more environmentally sustainable and land-holders will see increased economic returns as a result of a reduction in overheads. In conclusion, I again thank the Lieutenant-Governor for his delivery of the speech to open the third session of the 50th parliament, and I commend the motion to the council.

**The Hon. D.W. RIDGWAY:** I support the Address in Reply motion and I thank Her Excellency the Governor, Marjorie Nelson-Jackson, for the wonderful job she does in South Australia. I also thank the Lieutenant-Governor for his speech last week. I intend to cover a number of topics, but I will first touch on the Economic Development Board. We are all aware that the government agreed to 71 of the 72 recommendations of the board, but we have seen virtually no action on the so-called short-term recommendations. In appendix B of the EDB framework, short-term goals are defined as those achieved within six months.

The framework was published in May this year, so, if we include May, only one month remains to implement 41 of the 71 short-term recommendations agreed to. In other words, a vast majority of the framework is yet to be actioned. The government must have been very busy in the five months since the report was released, or perhaps I missed all the fanfare. When does the government propose to inform the public and members of parliament of these substantial, important changes to the economic structure of our state? Is there any evidence of their completion, or are we to assume that this is simply another media exercise of the Rann government: glossy ideas backed up by empty rhetoric?

Perhaps the government needs a gentle reminder of the recommendations that it agreed to on behalf of the people of our state. It would be my great pleasure to remind members on the other side of the chamber exactly what South Australia was promised. In a recent edition of *Time* magazine, I was interested to read an advertisement for South Australia, no doubt one of those glossy images and media spins produced by this government. Recommendations 1 and 2 of the EDB framework are as follows:

1. The government develop an effective communication strategy to promote the initiatives that it adopts from this economic development framework, targeting diverse sections of the community by using messages and media that are most relevant to them. This strategy should project a unique 'can do' image for South Australia.

2. The government develop specific communication initiatives using the mass media and other more focused communication vehicles to raise the profile of successful South Australian businesses, individuals, industry sectors within the state and nationally.

What are these recommendations really about? Do these statements do anything more than endorse the Rann government's media spin doctoring? Is there any substance, is there any identifiable goal that this state can pin its future on? This

article is a prime example of the media spin employed by this government. I refer to this article, especially the Premier's message and the number of contradictions within it. He starts off by introducing himself and then says:

The government must work as a partnership to build on their strength—or accept the continuation of the decline of the past 15 years.

I find it very hard to believe that there has been a decline in the past 15 years, when one looks at what he says he wants his partnership to achieve. He states:

A near trebling of SA's overseas export income from \$9.1 billion to \$25 billion.

In the past 10 years it has trebled from \$3 billion to \$9 billion. He continues:

At least a doubling of the size of Roxby Downs by Western Mining.

A very honourable goal, but nowhere in the Economic Development Board framework does the government address how it would double the electricity requirement by the mine at Roxby Downs or double the water requirement. He states:

A continued 20 per cent annual growth in the electronics industry. A continued 20 per cent annual growth at home.

We have growth not a decline in the past 15 years. He continues:

New export markets abroad for our car industry to underpin the jobs growth at home.

Again, he highlights growth. Yet, previously in the statement, he said we have been in decline. He continues:

I also want to hear that we are the best state in Australia in which to do business. We now have an unprecedented level of business confidence in South Australia. Employment growth is 4 per cent.

This did not start on 9 February 2002; this was already well in train. He states:

... with the highest level of unemployment and participation in the state's history and the lowest level of unemployment in the past 30 years.

This is not something that just happened in the past 18 months, as he goes on to say:

Our challenge is to build on this, to make sure this trend continues.

It is an ongoing trend that was there long before this government was elected. Again he contradicts himself, because he states:

South Australian business has kicked strongly into the 21st century. Business confidence is up, employment is growing strongly and the export share of the state's output is double what it was a decade ago.

Again, a contradiction, because this government was not in power at the beginning of the 21st century—it took office on 9 February 2002. He continues:

South Australia's output growth is expected to stay strong.

Of course it will, because a wonderful foundation was laid by the previous Liberal government.

It is interesting to look at a recent article from *The Advertiser* of Saturday 6 September, when Treasurer Foley had signed an agreement with the other states. In part, the article states:

South Australia has signed a pact aimed at ending the multi-million-dollar bidding wars for business and investment between the states and territories. But while the treasurers from Victoria, New South Wales, South Australia, Western Australia and the ACT signed the agreement, Queensland—the fastest growing state—refused.

Victoria had already exchanged information with New South Wales on 30 projects and companies have been caught out overstating incentives to provide an offer by the potential rival location.

Mr Foley said that, even though Queensland had not signed, he hoped the state would agree to exchange information on approaches from companies playing various governments off against each other.

Does he really believe that Queensland, not having signed the agreement, is likely to give South Australia any information? Mr Mackenroth, the Queensland Treasurer, went on to say:

Queensland did not sign the agreement as it would have sent a bad message to investors.

There are a number of disincentives, even if we have an agreement in place, for example, in transport. I have spoken to a number of transport operators in the past few weeks, a number of whom have said they are considering leaving South Australia. These are just a couple of examples of the mass management program. Accredited operators in Victoria are able to operate with permits on mass managed accredited roads, and as operators. In South Australia we have a road network, so we do not have a consistent application of the rules either side of the state. Anomalies exist within South Australia's mass management framework. One needs to get a length permit for an over-length vehicle, but then it is permitted to travel on certain roads which do not permit over-weight vehicles on those same roads.

So, whilst a transport operator may have an over-length vehicle, they cannot use those particular routes because they are unable to get a permit for the weight restrictions. Another anomaly between the two states is the registration of transports. In South Australia, vehicles must be inspected when their registration is being renewed. The cost of that inspection is \$100, and often they have to wait for an inspector to carry it out. In Victoria, accredited self managed operators are able to renew their registration without waiting or incurring the impost of a \$100 inspection fee.

I will now touch briefly on the Lieutenant-Governor's opening address. I was intrigued to read of his mention of transports. He said:

The coming months will see significant progress in many areas of transport. South Australia's first Transport Plan in 35 years will be finalised following strong community and industry involvement during its development. That plan provides clear principles and objectives to guide policy and investment during the next 15 years.

He goes on to say:

Significant steps will be taken toward a number of infrastructure projects.

If South Australia is to grow and expand, the majority of opportunities for South Australian companies (apart from overseas exports) are in the eastern states. We need a modern, up-to-date, effective transport system for our companies in South Australia to connect with the eastern states. I think it is a shame that significant steps are being taken toward a number of infrastructure projects instead of achieving some of the major infrastructure goals that we so desperately need.

I will now refer briefly to the Economic Development Board and some of its recommendations. Recommendation No. 9 states:

The Government develop a policy framework identifying the criteria to establish a statutory authority or advisory body. This policy should ensure that all existing and new bodies have a sunset clause to ensure that, if they do not meet the criteria, they are wound up.

This is one of these many short-term goals; we are only one month away from the deadline, yet we have heard nothing of it—and I have heard the Premier referred to as Mr Open and Accountable! Recommendation No. 19 states:

The Government eliminate referral to the Prudential Management Group as a mandatory step in the approval process for major and other large capital investment projects.

Recommendation No. 20 is that the government abolish the acquittals committee; and No. 21 states:

The Government increase the threshold requiring Cabinet approval for a project or public work to \$10 million and the mandatory approval limits for referral of projects to other bodies to be adjusted in the same way (for example, the limit for the referral of projects to the Public Works Committee should also be increased to \$10 million).

It almost seems that the government is trying to hide something. I wonder whether it really is an open and accountable government.

Another interesting goal is that the government formulate a state population policy as a matter of urgency, yet this is deemed to be a medium-term goal of 12 months or more. Some of these goals are quite unachievable. Recommendation No. 58 states:

The Government review its zero net borrowing funding policy (which requires that operating revenues cover all expenditure, including capital and infrastructure investment) and put in place a more flexible approach to debt management that has greater compatibility with long-term economic development.

I have also heard in relation to that recommendation that (off the record) some members of the government are now saying that the world is awash with cheap money. I will conclude with recommendation No. 62, which states:

The government establish a cross-agency team to assist Treasury, where required, in developing alternative, non-traditional funding options.

The last time a Labor government had an alternative and non-traditional funding option, we had a state bank. I do not think South Australia is in very good hands.

**The Hon. G.E. GAGO** secured the adjournment of the debate.

#### **COOPER BASIN (RATIFICATION) AMENDMENT BILL**

Adjourned debate on second reading.

(Continued from 18 September. Page 134.)

**The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries):** I thank the Hon. Terry Stephens and the Hon. Sandra Kanck for their indications of support for this bill last week. As has been said, the bill is fairly uncontroversial. It is the consequence of a national competition policy review of the legislation which was conducted some years ago.

The only question asked during the second reading debate was by the Hon. Terry Stephens who, at the end of his contribution, said:

I ask the minister to confirm that all parties to the AGL letter of agreement and other agreements and contracts mentioned in the bill have agreed to the changes made in the bill.

It is my understanding that, because Santos is the major partner in the Cooper Basin agreement, last week it had been the only party that was contacted, but subsequent to the honourable member's raising this matter I can assure him that, last week, officers of the department contacted the other partners who were parties to the agreement and my advice is that they have not responded with any concerns. I believe that addresses all the issues raised during the second reading debate. I thank members for their indications of support.

Bill read a second time.

In committee.

Clause 1.

**The Hon. R.D. LAWSON:** In response to the Hon. Terry Stephens, the minister indicated that the other parties to these contractual arrangements had not indicated any dissent. Will the minister undertake that if, during the time it takes for this bill to be debated in another place, any information is received by his office to the effect that any party has any reservation about the matter he will report that fact to the parliament?

**The Hon. P. HOLLOWAY:** I can so indicate. The other parties were contacted last week, given copies of the bill and invited to make any statements if they had any concerns. They have not done that, but if they do I will make sure that they do so to an officer of my department. If in the unlikely event any issues are raised, I undertake to have those matters raised in the other house when the debate on the bill takes place there.

Clause passed.

Remaining clauses (2 to 7), schedule and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

#### UNIVERSITY OF ADELAIDE (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 17 September. Page 114.)

**The Hon. R.I. LUCAS (Leader of the Opposition):** Before I speak to the second reading of this bill, I declare that I am a graduate of the University of Adelaide, and I think that I am a paid up member of the University of Adelaide Alumni Association. Those following the debate will know that the alumni association is the subject of some debate and discussion in terms of its role in the government bill, and I place that interest on the record. The member for Bragg, Vickie Chapman, on behalf of the Liberal Party, has handled our discussions on this bill.

For those members with an interest in the legislation, I recommend they read her comprehensive second reading contribution of 5 June and subsequent dates—it seems to have spread over about two or three separate occasions. The honourable member's comprehensive debate certainly very adequately summarises the background and history of the bill that is before the parliament at the moment and also explores the various views that have been put to the Liberal Party through the member for Bragg. It also explores, in a little detail, the proposed position of the Liberal Party. I do not propose to go through that comprehensive background again in this council.

As I said, the member for Bragg, on behalf of the party, has the responsibility to handle the negotiations and consultations, and I represent her views in this chamber for the discussion of the bill. I do want to place on the record some comments in relation to the four key areas of concern that the member for Bragg has outlined in relation to the legislation, and the four key areas of concern that she intends, by way of amendment, to seek the support of other members of this chamber in order to see a change in position from the government on the legislation. In summary, the Liberal Party broadly supports a number of the major provisions that are outlined in the amendment bill.

However, the concerns that have been expressed can be summarised as follows: first, the issue of the senate; secondly, the issue of the structure of the Chancellor's committee, or the committee appointed by the Chancellor to appoint external members to the university council; thirdly, the delegation powers as outlined in the proposed bill; and, fourthly, the vexed issue of penalties. There are some other minor issues but, probably, they are the four major issues highlighted by the member for Bragg in her contribution in the House of Assembly.

The first issue relates to the University of Adelaide Senate. In her contribution, the member for Bragg said:

The Liberal Party agrees to support the government on its course for abolition of the senate, but will introduce an amendment to secure a forum by which the university community may ask questions and raise concerns to the council. This will take the form of a requirement for an annual general meeting to be held, notice of the same being properly published within the community, with the availability of the councils both to answer questions and to respond to concerns. This meeting should also have the opportunity to pass resolutions and facilitate an address by the Vice-Chancellor.

In summary, the member for Bragg has indicated, on behalf of the party, that we are aware of the widely divergent views about the usefulness of the senate in terms of governance of the University of Adelaide. There are, amongst the university and its supporters, very strong supporters of the role of the senate. At the other end there are very strong opponents of the senate who believe that it is an antiquated body that no longer has any appropriate role in good corporate governance of a university. The member for Bragg has broadly mapped out a compromise position, I guess, between those widely divergent views.

That is, as I summarised earlier, supporting the abolition of the senate but, nevertheless, not supporting the position that has been put by the government and trying to ensure that, at least, there is some annual forum at which the university council and the Vice-Chancellor could be answerable. I note that a number of members would have received, probably today (certainly my copy arrived today), a copy of a letter dated 17 September from W.M. Rogers, Warden of the Senate, in relation to this bill. Without summarising all of it, the Warden of the Senate, on behalf of the senate, outlines in his letter strong opposition to the government's proposal.

The Warden outlines some of the history of the senate and also some of the history of the senate's consideration of its views about the bill and its future, and then puts down a proposal as to how the senate might continue in an amended form. In summary, the letter states:

In the debate on the bill in the House of Assembly Ms Vickie Chapman, the opposition shadow minister, has proposed amendments which would enable the senate to be retained but without its power to scrutinise internal university legislation. This is largely in accordance with the position of the senate. In view of this, the subcommittee urges you to support the amendment proposed by Ms Vickie Chapman in the House of Assembly.

I am not sure whether the amended position of the senate and the amendments moved by the member for Bragg are 100 per cent consistent but, certainly, they head in the same general direction. I guess the position the Warden of the Senate is putting is certainly a comparison of the unamended government bill or the government bill as amended by the amendments which will be moved in my name but which are those that the member for Bragg has moved in another place. The Warden of the Senate, speaking on the senate's behalf, has urged members to support the compromise position that is being put by the Liberal Party on the issue.

The second broad area of concern highlighted by the member for Bragg was in relation to the committee that the Chancellor can form to help select external members to the council. Section 12(1)(b) provides that the council will consist of the following members:

seven persons appointed by the Council, on the recommendation of a selection committee (which consists of the Chancellor and six other persons appointed by the Chancellor in accordance with guidelines determined by the Council);

The current arrangements are that the council, amongst its members, includes seven persons who are appointed by the council. My layperson's description of those are external or independent members, but that might not be the technically correct description. That is done on the recommendation of a selection committee. That committee comprises the Chancellor and six other persons appointed by the Chancellor in accordance with guidelines determined by the council.

It would be useful for members of the Legislative Council, who perhaps might not have been following this in as much detail as the member for Bragg and obviously the minister, to know that the minister who is handling the bill placed on the record in his reply the guidelines determined by the council in relation to the selection of that committee of seven persons. The Liberal Party has placed on file amendments that will try to ensure greater definition as to the membership of that committee and, in particular, a request or requirement that the committee include a nominee of the academic board, two graduates selected by the same process as those elected to the council and one elected staff member.

I will indicate my understanding of the Liberal Party's position as put by the member for Bragg, that is, the opposition's preferred course of action—and an amendment has been placed on file to this effect. If the government has an amended view in relation to that—that is, that the restrictions on the committee should be slightly different—I am sure that, either in this council or in another place, the Liberal Party would be prepared to negotiate or discuss the construction of that committee. Not to put too fine a point on it—and I mean no disrespect to the existing Chancellor—this legislation will guide the governance of the university for forever and a day if it is unamended to ensure that no chancellor in the future is able to stack a selection committee, and also stack indirectly the structure or composition of the council. I suppose I should put that more tidily in terms of impacting on the structure of the council. It may well—and 'stack' might be too strong a word—influence the composition of the council in a particular direction.

By way of background to this area, in my early years in the parliament I was one of those members who had the fortune to be a parliamentary representative on the University of Adelaide council. I do not wish to be critical, but there is as much politics in the university as there is in North Terrace. That has certainly been quoted by a number of the members of parliament who have served on university councils in the past. The power of the council and the influence of various bodies and individuals on the council are obviously watched very closely by those who are interested in the path that our universities might be taking in terms of their policies and direction. Anything that might influence the structure of a committee which might then influence the structure of the council is clearly of great interest to those who believe that it might be used by some to influence the council in a particular direction.

The third matter was in relation to the broad area of delegation. I will go through this in more detail in the

committee stage. A power of delegation exists in section 10 of the University of Adelaide Act which allows the council to delegate any of its powers under this act, except this power of delegation, to any officer or employee of the university. The government is seeking to put into the legislation a wider power of delegation. It is the Liberal Party's position, as put by the member for Bragg, that we are not convinced of the need for the broader power of delegation. Certainly, a number of concerned individuals and parties have expressed opposition to the wider power of delegation.

I again invite the minister representing the government in this council to put on the record the specific concerns the university has about the existing powers. In particular, I place on the record some specific questions to the minister as to what legal advice the university—or, indeed, the government—has had that there are concerns in relation to the existing power. In particular, I refer to issues that relate to the appointment of a Chancellor's committee. I might not have the exact date, and I stand to be corrected if I am wrong. I understand that it was in about 2000 or 2001, and it was a matter of some controversy at the time.

It has been claimed in correspondence to members of parliament that some legal doubt was raised about the validity of that committee. Therefore, I specifically ask the minister—and, I guess, through the minister to the university as well, if the university is keen to have this legislation considered by members of this council—to indicate whether legal advice was obtained regarding whether there was doubt about that particular Chancellor's committee (which, as I said, was formed some two to three years ago), its legal validity and its capacity to make executive decisions or delegate the decisions on behalf of the university.

There is—and I am the first to concede this—an element of excess caution from some who oppose the delegation power. There are some—and again I do not wish to limit this criticism to individual personalities—who are concerned about the fact that a particular chancellor may have been able to establish a particular chancellor's committee, and that decision which in the past would have been taken by the full council would be taken by the chancellor and his or her committee without potential reference back to the council.

If the university and the government dispute that concern expressed by some people, it is sensible that the university, through the minister in this chamber, place on the public record in this council a reasoned response as to why that is not a rational concern for those who oppose the changes and the delegation making power. The committee stage could be shortened considerably if the minister is prepared to be frank and place on the public record the legal advice both the government and the university have received. From my brief discussions with other members of the council, I have found that this issue has been raised with them.

Certainly, I think the committee stage will be expedited if the minister who is handling the bill brooks no interference with advisers and says, 'Let's save a lot of time in the committee stage. Let's get a frank response from government legal advisers and the university legal advisers as to what is the position of this delegation making power.' Certainly, from my viewpoint, and from the viewpoint of some members with whom I have already had discussions, that would assist the committee stage of the debate.

The fourth and final area that the member for Bragg has raised as a matter of concern relates to what has been described by the member as onerous and draconian penalty



provisions within the legislation. In *The Advertiser* in June 2003 it is stated:

The opposition said it would oppose the imposition of draconian penalties on council members. 'It would be a tragedy if legislation such as this were in any way to deter honest, decent and valuable men and woman who were otherwise willing to give their time freely to the university,' opposition spokeswoman on education Vickie Chapman said.

I think that adequately summarises the Liberal Party's position on this issue.

As I have indicated in my discussions with some members of this chamber, I understand from where the government has come in relation to this issue. Whilst, clearly, the Liberal Party does not support it, I do understand whence it has come, that is, that it is in the process of introducing draconian new penalties on board members, in particular, for conflict of interest provisions and a range of other issues such as that—penalties of up to \$20 000 and four years' imprisonment.

The proposition that the Liberal Party puts—and, certainly, one that I subscribe to—is that I believe that the university council is a body unique in and of itself. I accept that the university has to make multi million dollar business and commercial decisions but, equally, it is a governing body of a university—an educational institution—and, unless it has changed in recent years, it is a body that people serve on voluntarily. They are not paid as if they were a member of the SA Water Corporation Board—\$20 000 or \$30 000 a year—or a more minor board, where they might be paid \$8 000 or \$10 000 a year. They are there, in essence, making a contribution for the university on behalf of the community. But, as I said, I do accept that there are potential grounds for conflict for members of a governing body of the University of Adelaide—or, indeed, any university.

From my reading of the second reading debate in another place, the point was made that no other university council in Australia had these particular draconian penalties as described by the member for Bragg. I think that, in response, the minister claimed that either these penalties, or some penalties, were included in two of the 38 other universities around Australia—I think the Australian National University and one other. I am not in a position to judge between the two but, suffice to say, at the very least, the University of Adelaide will be the only university, or only one of two or three out of all universities in Australia, that will be governed by these draconian penalties for council members.

The opposition's position might not change on this even if it were to occur, but I think that, from the government's viewpoint, on the grounds of consistency, if it were to introduce amending legislation to the legislation of the three universities in South Australia, so that board members of the University of South Australia, Flinders University and the University of Adelaide were all to face these draconian penalties if they acted in this particular way, at least there then would be some consistency in the government's position.

Certainly, one of the arguments against the draconian penalties is that the government is seeking to impose these penalties on council members of the University of Adelaide but is not doing the same thing in respect of the University of South Australia and Flinders University. It would have been entirely possible for the government to have introduced legislation that sought to amend the University of South Australia Act and the Flinders University Act as well, if this issue was important enough. My view would be that it would be good sense for the government to excise this provision

from the bill or agree to the opposition's amendments and broach this issue with an all-encompassing bill that amends the three university council acts, then the parliament can address the issue of whether or not it wants these penalties to apply to the three universities, rather than have this debate on the University of Adelaide Act.

Finally (and, again, this is a request for information from the minister handling the bill), if the government is intent on continuing with this debate on the penalties, can the government—or the university, through the minister—place on the record in this chamber the existing mechanisms and processes used by the council to govern conflict of interest decisions within the university? What are the existing mechanisms? What are the requirements on council members in relation to conflict of interest, and how are they managed? It is a vexed issue, because one only has to look at the people who are to be represented on the university council. For example, with respect to the students association, any debate in relation to student fees or student services raises issues of how conflict of interest might be managed. With respect to staff associations, any decisions on budgets and enterprise bargaining arrangements clearly raise the potential for conflict of interest issues. With respect to members of the academic board, depending on which faculty they represent (if that is still the appropriate word to use in relation to the University of Adelaide), or which academic discipline they represent, again, there is the potential for conflict of interest issues, in addition to, obviously, the more traditional conflict of interest issues that we might think about, that is, where any individual on the council might have a financial interest in a particular company, business or property that is the subject of a decision of the university council.

I seek to have placed on the record what the current arrangements are. In particular, if the government is intent on proceeding with these draconian penalties, it will be important to know what sort of decisions are to be governed. If you are a student association representative, an academic board representative, a staff association representative or, indeed, a council member for an external body, and you are unpaid in terms of your work on the council, the grounds for potential conflict of interest or negligence issues that might lead to penalties of up of to \$20 000 or four years gaol will be critical issues for those individual council members to consider.

The opposition has placed on file the amendments that were unsuccessful in the House of Assembly. So, at this stage, they are the same amendments that the opposition moved in the lower house. With respect to one or two of those amendments, the opposition's position is that we are prepared, either in this council—or, probably more appropriately, in another place, where the minister and the shadow minister are located—to further negotiate on amendments.

If there is no negotiation in the council, I am hopeful that, at the very least, a majority of members in this chamber will pass a majority of these amendments, and that will keep the issues in discussion. The minister and the shadow minister in another place can, if necessary, have a further discussion to try to come to a compromise, with the minister having the knowledge that, unless she compromises, the amendments that have been moved in their current form are likely to become part of any bill that passes both houses.

I indicate our support for the second reading, if the government and the minister are prepared to assist with a comprehensive reply at that time, and our willingness to try

to shorten what might be an extensive debate at the committee stage,

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

**ADJOURNMENT**

At 4.37 p.m. the council adjourned until Tuesday 23 September at 2.15 p.m.