LEGISLATIVE COUNCIL

Wednesday 12 November 2003

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

PAPER TABLED

The following paper was laid on the table:

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

Department of Primary Industries and Resources SA—Report, 2002-03.

POINT PEARCE COMMUNITY

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to Point Pearce Community made on 11 November in another place by my colleague the Minister for Tourism.

SOUTHERN CROSS REPLICA AIRCRAFT

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement relating to the Southern Cross replica aircraft made on 11 November in another place by my colleague the Minister Assisting the Premier in the Arts.

QUESTION TIME

STATE ECONOMY

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make a brief explanation before asking the Leader of the Government a question about the state's economic performance.

Leave granted.

The Hon. R.I. LUCAS: I am sure members will be aware that in the work that has been done by the Economic Development Board on behalf of the Rann government, a number of their reports listed in appendix A in particular of the report, 'Initial benchmarks for the state of South Australia', refer to important indicators of the state's economic performance. On the first page of the appendix, under the heading, 'Performance of the South Australian economy', the first benchmark listed is 'South Australia's gross state product as a percentage of national gross domestic product (GDP)'. Today the Australian Bureau of Statistics has released the first independent assessment of the first year of the Rann government's economic performance for 2002-03. They have released the gross state product, or Australian national accounts and state accounts figures, but, in particular, they have released the gross state product figures for each of the states and territories for the 12 months 2002-03.

In looking at the performance of our relative state economies for the last 12 months, the Australian Bureau of Statistics has reported that Queensland's economy was bubbling along at 4.7 per cent; Western Australia was next at 3.9 per cent; Victoria, 2.6 per cent; New South Wales, 2.2 per cent; and Tasmania was sputtering along, I suppose, at 0.5 per cent for the last 12 months.

As background, I point out that, for the two previous years under the former Liberal government, South Australia's economy had increased at a rate of 3.5 per cent in 2000-01, and it had increased to 3.7 per cent in 2001-02, with the most recent figures being downgraded to 3.4 per cent. So, the new government inherited an economy that was bubbling along at about 3.5 per cent, which was a little above the national average for the last two years.

As one commentator put it to me, these figures that were released today are a stunning revelation in relation to the state's economic performance. As I said, they showed that, with the rate in Queensland being 4.7 per cent and Tasmania at 0.5 per cent, South Australia's state economy in the first year of the Rann government has increased by only 0.1 per cent, which is the lowest economic performance of all the six states. The national performance was 2.8 per cent. So, the highest state was Queensland at 4.7 per cent and the lowest rate was Tasmania at 0.5 per cent but, sadly from South Australia's viewpoint, the rate in the first year of the Rann government was 0.1 per cent.

Last year, in an interview with *The Australian*, on behalf of the Rann government the Chairman of the Economic Development Board, Mr Robert Champion de Crespigny, and the then head (and there have been a few since then) of the Office of Economic Development, or the Department of Industry and Trade, Mr Roger Sexton, mapped out the proposed goals for economic growth for South Australia and, in that interview, they indicated the goal of economic growth of up to 6 per cent. My questions are:

1. Will the Leader of the Government indicate the reasons, in his view, for the South Australian economy in the first year of the Rann government becoming the lowest ranking or performing state in terms of its economic performance?

2. Does he accept that the state's economic performance, as measured by the independent Australian Bureau of Statistics, for the two previous years was motoring along at a pretty healthy 3.5 per cent?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Those questions on economic performance would best be answered by the Treasurer, who has the full information, but I will make a couple of comments. First, in relation to ABS figures of state growth, certainly in the past they have been subject to considerable revision after the event.

Members interjecting:

The Hon. P. HOLLOWAY: I am not questioning the ABS, but I am saying that, as a fact, the ABS statistics, particularly state figures, are often subject to considerable revision—and that is a statistical fact. But there are two obvious factors that have impacted upon this state's growth over the last year—one is the drought. This state is more dependent on agricultural exports than any other part of the country.

Given that our grain crop went from 9.6 million tonnes down to 4 million tonnes, that alone would have taken $1 billion off the gross state product for that year. Although the figures are not as good as the figures for 2001-02, hopefully we are going to crop about 7.7 million tonnes. The other obvious impact is the revaluation of the dollar. Since this government has been in office, the Australian dollar has revalued by almost 40 per cent against the U.S. dollar which must, inevitably, have some impact. That will have an effect, particularly for a state like South Australia that is dependent on exports, particularly motor vehicle exports. These are

matters for the Treasurer and I will see if he wishes to add anything further to those comments.

PAROLE POLICY

The Hon. R.D. LAWSON: My questions, which are directed to the Minister for Correctional Services, are as follows:

1. Will the minister confirm that within the last couple of weeks, the executive council has authorised the release, on parole, of a prisoner sentenced to life imprisonment for murder?

2. Will he confirm that no public announcement was made of that release?

3. What steps did cabinet take to assure itself that the parolee does not represent any danger to the community?

4. What is the minister's justification for the government issuing public media releases when a parole recommendation is accepted, but declining to do so when it is not?

The Hon. T.G. ROBERTS (Minister for Correctional Services): There was a convicted murderer paroled just recently—

An honourable member interjecting:

The Hon. T.G. ROBERTS: Cabinet approves those decisions and circumstances by which the parole conditions are set. It was not a concern of cabinet when parole conditions were set. As to making media statements, I am not sure what the protocols for making media statements are—

Members interjecting:

The Hon. T.G. ROBERTS: Well, there would be some circumstances in which you would not want to highlight the release of somebody who is being rehabilitated back into the community. If there were conditions put on parole that might be jeopardised by any forward publicity, certainly, that would be a consideration. The circumstances the honourable member raises are raised in the context of cabinet's discretion in relation to the final say about release conditions on parole. That is one that all governments wrestle with. The decision about the parole conditions and the determination made by the parole board was the right one. Cabinet agreed with it.

The Hon. R.D. LAWSON: I have a supplementary question. Is the minister saying that no announcement was made on this occasion because of factors relating to the rehabilitation of this particular prisoner?

The Hon. T.G. ROBERTS: No, I am not saying that. I am saying that, in some circumstances, there may be cases where a public statement would—

Members interjecting:

The Hon. T.G. ROBERTS: If the situation is that a reply is required in relation to why a public statement was not made, I will bring back a reply.

The Hon. A.J. REDFORD: I have a supplementary question. Does the cabinet have a policy on when it will or will not make public statements concerning its recommendations or decisions on parole?

The Hon. T.G. ROBERTS: There would be certain conditions where some statements would be made in a public media release. In other cases, the media make statements before the parole application is finalised. With the way that information moves about within the system, determinations are made by the media to either support or oppose. On this occasion there was no forward publicity. There was no determination made. Cabinet made a decision and we did not make any forward statements.

The Hon. A.J. REDFORD: I have a further supplementary question. Do you have a policy or not? Yes or no.

The Hon. T.G. ROBERTS: The policy is that you consider each case as it comes up.

PORT RIVER BRIDGE

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries a question about grain exports at Port Adelaide.

Leave granted.

The Hon. CAROLINE SCHAEFER: It has come to my attention that the proposed rail bridge over the Port River, that is, the second crossing to Port Adelaide, will be delayed by about a year. It will not be completed now until late 2006. This parliament reached bi-partisan support for the upgrade of grain handling facilities and other facilities at Port Adelaide. including dredging to Panamax capability. Part of the necessity for that to go ahead was the completion of a second rail bridge. From memory, the upgrading of that facility would save grain growers across this state in the vicinity of $10 per tonne which equates to millions of dollars across the state. The rail bridge is fundamental to the construction of that deep sea port. One of the contracts that could be affected by this delay is the contract between Flinders Ports, AusBulk and the government. My questions are:

1. Is the minister aware of the delay in the completion date for the rail bridge over the Port River?

2. Can he assure the council that a delay in the completion of a rail bridge over the Port River will not compromise any contracts affecting grain exports or incur any compensation claims from the signatories to the contracts?

3. Can he explain why this delay has occurred?

The Hon. A.J. Redford interjecting:

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Well, of course I would. Why wouldn't I? After all, the Minister for Infrastructure is responsible for it. What I can say is that the South Australian Labor government has been very active in supporting the development of the deep sea port at Port Adelaide in the construction of the bridges, which, incidentally, I understand will cost taxpayer significantly more than was estimated by the previous government.

Members interjecting:

The Hon. P. HOLLOWAY: On the contrary, we always knew that they were shonky, back of the envelope calculations. I think that has been subsequently demonstrated. This government is funding those bridges. I am not sure whether or not the matter has been before the Public Works Committee, but it is appropriate that comments on those matters should be made by the Minister for Infrastructure who has responsibility for those who can comment in relation to those particular issues. Certainly, this government has been strongly supportive of this project. We recognise the benefits that it is going to bring to industry in this state. We have done everything we can to expedite that project. Let me say that part of the work that my colleague had to do was to tidy up some of the incredible negotiating wreckage that was left by former minister Armitage in relation to that matter.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Given the importance of this project to minister Holloway's portfolio, why is he not aware of the details of the contract, particularly since apparently he is aware of negotiating details? He has just told us so.

The Hon. R.I. Lucas: Not interested.

The Hon. P. HOLLOWAY: Of course I am interested in the future of the deep sea port.

The Hon. Caroline Schaefer: Well, why don't you know?

The Hon. P. HOLLOWAY: The day-to-day management of this matter is in the hands of the Minister for Infrastructure. I have a great interest in all portfolios within this government. I have an interest in the health system and other systems, but I do not have information at my fingertips on every particular detail of those portfolios, nor could I reasonably be expected to have it. Clearly, if there are issues in relation to the timing of this project, I am sure they will be looked at by parliament through the Public Works Committee. We have these committees so that all members of parliament can be made aware of these matters. Of course, let me add that, shortly, we will have the opportunity to debate the relevant legislation.

My colleague the Hon. Terry Roberts, on behalf of the Minister for Transport, will be handling the legislation in relation to the Port River Expressway which, of course, is an important piece of legislation we need to get through to improve access for trucks to the grain terminal.

The Hon. A.J. REDFORD: As a supplementary question: when will the bridge be completed?

The Hon. P. HOLLOWAY: Well, the Minister for Infrastructure will have that detail. He is the minister negotiating with the companies. Obviously, that will depend on the various processes it has to go through. I am not sure whether it has been through the Public Works Committee but, obviously,—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: It is not my responsibility, you see. I have enough to do in my own portfolio without worrying about others.

The Hon. J.S.L. DAWKINS: As a supplementary question: is the government, either through the Minister for Infrastructure or the minister for primary industries, keeping the grain industry informed about the likelihood of when the expressway and bridge will be completed?

The Hon. P. HOLLOWAY: I have regular meetings with the Farmers Federation. I meet with the Farmers Federation at least every couple of months, sometimes more. If it has issues that it wishes to raise with me, someone can always pick up the phone. If it has concerns about this matter, I will ensure that the appropriate minister provides the answer.

The Hon. T.J. STEPHENS: As a supplementary question: is there any other infrastructure project with anywhere near the same significance that relates to the minister's portfolio that could be a distraction, or should this infrastructure project, given its importance, be taking some of his attention?

The Hon. R.D. LAWSON: As a supplementary question, if the minister is unable to say when the crossing will be completed, is he able to inform the council when it will be commenced?

The Hon. P. HOLLOWAY: When the appropriate approvals are given and when the contracts are let. My colleague the Minister for Infrastructure can provide information in relation to all things within his responsibility. I will pass on the questions. Since they are matters for him, he is the person who can provide the answers.

The Hon. A.J. REDFORD: As a further supplementary question: will the minister rule out a commencement of the construction of this bridge some time this year?

The PRESIDENT: The Hon. Mrs Zollo has the call.

AGRICULTURE, CENTRAL NORTH-EAST DISTRICT

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the—

The PRESIDENT: Order! There is a point of order.

The Hon. A.J. REDFORD: I rise on a point of order, sir. I know that, under standing orders, the minister can answer a question in any way he sees fit, but it is—

The PRESIDENT: Or not answer a question when asked.

The Hon. A.J. REDFORD: So long as that is noted in *Hansard*. He does not know.

The PRESIDENT: I can assure the Hon. Mr Redford that it is noted in the standing orders.

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

Members interjecting:

The PRESIDENT: Order! Members on my right on the back bench will come to order. You are setting a bad example for the opposition.

The Hon. CARMEL ZOLLO: —the central north-east agriculture area of the state.

Leave granted.

The Hon. CARMEL ZOLLO: The state has just experienced a significant drought. On 12 October 2002, the Premier announced details of the state government's $5 million drought assistance package in response to the hardship that was being experienced. One area that was severely impacted was the central north-east pastoral district, an area in which the Central North-East Farm Assistance Program has also been operating. Will the minister advise the council what the outlook is for the central north-east agricultural area, given the number of poor seasons this area has suffered, and how the government is assisting them?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Yesterday I released details from a recent telephone survey that shows that most primary producers in the state's central north-east are optimistic about the region's future prospects. The survey was commissioned and conducted independently of the Department of Primary Industry and Resources (PIRSA) in order to ascertain the effectiveness of the Central North-East Farm Assistance Program. It involved 176 of the region's 350 producers. The Central North-East Farm Assistance Program is a $4.05 million project that was jointly funded by the state and commonwealth governments and implemented in 2000 to promote rural adjustment at the regional level in the central north-east of the state by facilitating sound business decisions and encouraging sustainability, innovation and self reliance.

In the survey, primary producers were asked to rate future prospects in the region on a scale between one (being no prospects) and 10 (being lucrative prospects). Seventy per cent of those asked rated future prospects between seven and 10, assuming reasonable weather conditions. Similarly, the producers were asked to rate the future prospects of their business enterprises on a scale between one (none) and 10 (lucrative). In this category, 85 per cent rated their future prospects at between seven and 10. The survey showed that participation levels in the program increased by about 14 per cent in 2003 compared with the previous year. Of those surveyed this year, 57 per cent indicated that they were existing or past participants in the program. Nearly 60 per cent of those surveyed said that there was an overall perceived benefit to their community through the program, with 81 per cent of participants indicating that the Central North-East Farm Assistance Program had helped producers improve sustainability and long-term profitability.

The program provided grants to primary producers in a range of areas, including business planning (up to $3 000), productivity improvement (up to $10 000), infrastructure (up to $5 000), drought risk management (up to $5 000) and research and development. Assistance was also provided in other areas, such as workshops, field days, locust control and pastoral lease rent rebates. Overall, the survey showed that the Central North-East Farm Assistance Program had a very positive profile among the participants. I would like to congratulate the management committee for having conducted such a successful program under trying seasonal conditions. I am happy to say that attitudes are very positive, perceived benefits are substantial and there has been an improvement in awareness and participation over the past 12 months.

In addition, in the spirit of the drought assistance measures, the government has agreed to extend the closing date for pastoralists to claim restocking grants through the state government's $5 million drought assistance package to 31 May next year, so that pastoralists have sufficient time to make their claims. This has been done in response to concerns raised by a number of graziers that they might not have the opportunity to claim approved grants by the original funding deadline of 30 November this year. The date of 30 November was selected on the premise that the 2003 season would be normal and that reseeding and restocking would be possible by that time.

Successful applicants, of course, are required to submit a tax invoice and evidence of expenditure with a receipt or invoice. While crop farmers have had sufficient opportunity to sow crops for this season, particularly in the Mallee (where most of the claims were), and to submit a claim with evidence of reseeding expenditure, rainfall has been patchy throughout the pastoral areas. As a result, many pastoralists in the central north-east have not been able to restock and therefore have not been able to claim restocking grants. For that reason, we are pleased to be able to extend that time line to 31 May next year.

VISITORS TO PARLIAMENT

The PRESIDENT: I draw members' attention to the presence today in our gallery of some very important young South Australians from Pembroke School, with their teacher Mrs Webber. I understand that they are here as part of their political studies. I am sure that all members join with me in welcoming them to the parliament and in hoping that they find their experience most interesting and educational. I understand that they are being sponsored today by the member for Hartley, Mr Joe Scalzi.

QUEEN ELIZABETH HOSPITAL

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 the Queen Elizabeth Hospital.

Leave granted.

The Hon. SANDRA KANCK: I have been informed of recent serious breaches of infection control at the QEH specifically concerning patients with methicillin resistant staphylococcus aureus (MRSA). According to a casual nurse employed there, there are no dedicated hand washing facilities for staff involved in preparing patients for radiology procedures. Whilst she was there, at one point she saw four MRSA patients in the radiology bed bay. It is not always communicated to the staff in radiology that patients coming down for radiology have MRSA. Sometimes it is not mentioned, or it is left to orderlies to pass on the information, should they remember. Clinical staffing levels in the radiology bed bay have been as low as one registered nurse at times, and that RN can be called upon to accompany a patient back to their ward if, for instance, they have a drip which needs to be monitored, leaving the remaining patients without a registered nurse present. Pressures are such that two RNs who were there doing angiograms all day did not even get a drink break.

My informant has since heard that an acquaintance who went to the QEH for a hand operation acquired MRSA there. This experienced nurse said that she was shocked by what she had to deal with. She said that she felt for the patients because it looked like they were in Third World conditions. Some inpatients spent hours waiting in the radiology waiting areas, the bed bay area was often overcrowded and the radiologist performed 40 to 60 procedures in a day. There is no recovery area set aside. Instead, post procedure observations are done on people sitting in chairs in the bed bay. She says that she will not work there again, that the system is outdated and that as a registered nurse she was expected to do routine clerical work of telephoning the wards to arrange for patients to come to radiology.

She spent one day in the nuclear medicine area, despite having no prior experience in that area, and was the only nursing staff there in a clinical area. When a patient got into respiratory difficulty, the drugs trolley had inappropriate sizes of syringes because it had not been correctly restocked. According to this experienced nurse, this hospital is in crisis. It is understaffed and patient care is suffering. My questions to the minister are:

1. What infection management procedures are in place in public hospitals with cases of MRSA?

2. How many cases of MRSA are there in the QEH, and of these how many are community acquired cases and how many are hospital acquired cases?

3. Are nursing staff levels dangerously low at the QEH?

4. Will adequate hand washing facilities be provided for staff in all areas of South Australian public hospitals?

5. Are casual staff adequately oriented to evacuation procedures and disaster management plans in hospitals?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): By casual, do you mean agency

nurses? I will refer those questions to the Minister for Health in another place and bring back a reply.

ABORIGINES, FOETAL ALCOHOL SYNDROME

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs—

Members interjecting:

The PRESIDENT: Order! There is too much background conversation.

The Hon. NICK XENOPHON: —and Reconciliation a question about foetal alcohol syndrome in indigenous communities.

Leave granted.

The Hon. NICK XENOPHON: Today's *Australian* carries a front page story by Amanda Hodge, entitled, 'Born with a hangover. . . for life.' This is a confronting and harrowing article that refers to the scourge of foetal alcohol syndrome in indigenous communities. It refers to the first-hand knowledge of a Dr Lara Wieland who works with indigenous communities and the level of damage in indigenous communities from foetal alcohol syndrome.

Ms Hodge's article refers to the fact that foetal alcohol syndrome (FAS) is the single greatest cause of infant mental retardation in the west and the only one that is 100 per cent preventable. It refers to the fact that in America and Canada up to 4.6 in every 1 000 children are born with FAS, but for indigenous communities in those countries struggling with alcohol abuse take that figure and multiply it by 10. The article says:

> In Australia there are no such statistics, that many doctors remain unaware or unwilling to diagnose FAS because of the stigma to mother and child, unaware of the consequences of failing to diagnose. In the past two years the Australian Paediatric Surveillance Unit has asked paediatricians to report monthly on new FAS cases. What they have found is that there is often more than one child in the family with FAS and often the families are indigenous.

It also says that paediatricians are better informed, but rarely get to remote and rural areas, so the problem remains widely unreported. It goes on to say that the consequences are foetal brain damage to frontal lobes, which leaves children with life-long learning difficulties, attention deficit disorder and inability to consider the consequences of actions, a vulnerability to drug and alcohol abuse and poor judgment. Up to 60 per cent of prisoners in the United States gaols are believed to suffer from some form of FAS and there could be similar numbers in our prisons.

The article also refers to Dr Wieland, who believes that there is hope and that there are new alcohol restrictions, including in some communities a ban on pregnant women in taverns being rolled out against Cape York. Doctor Wieland also says:

> I have seen groups of kids aged 14 and 15 who have really big problems and to me that group is a window into the future. Some have already been in detention centres for sexual offences against younger children or for mutilating animals. They're still a minority, but as you get further down the age group some people are telling me they think 80 to 90 per cent are affected.

She goes on to say that we are totally unprepared for what is coming with foetal alcohol syndrome. My questions to the minister are:

1. What research or statistics are available on the extent of FAS in indigenous communities, including by way of comparison with non-indigenous communities? Has the department liaised with the Australian Paediatric Surveillance Unit referred to in *The Australian* article? Does the minister acknowledge that the rate of FAS is dramatically higher in indigenous communities?

2. What programs are currently in place and what resources has the government committed to the prevention and detection of foetal alcohol syndrome in indigenous communities?

3. Does the minister support the moves being rolled out across Cape York for a ban on pregnant women in taverns, as referred to by Dr Wieland?

4. Will the minister set in motion urgent research on the link between foetal alcohol syndrome, antisocial and destructive behaviour, including petrol sniffing and related problems?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Some of those questions I will refer to the Minister for Health. However, when I took over as Minister for Aboriginal Affairs I was working in opposition on gathering statistics, particularly in Canada and the USA where they are available, and found that I could not get any quantitative comparisons in Australia because there were no figures that I could find that adequately addressed the question. I have been working with the Minister for Health and I can report that the state government is well advanced in putting together preparatory policies for implementation. There is some frustration with our ability to get what one would regard as a flying start.

There are a number of children in communities reporting with what would be regarded as foetal alcohol syndrome if diagnosed properly or at all. The indications of petrol sniffing are far more obvious. The disabilities children present with as a result of petrol sniffing difficulties early in life are low birth weights and other significant debilitating factors. I have looked with the Minister for Health at labelling requirements not just in South Australia but nationally.

We are looking at some national standards in relation to fortified wines in casks that are consumed in remote and regional areas, and there have been a number of reports on the damage that is done by fortified wines in flagons. Banning any substance tends to be only part of a solution. Although bans may work and Aboriginal communities in this state may decide to have dry areas that exclude fortified wines, and other wines and alcohol which can create foetal alcohol syndrome, that decision needs to be worked out with those communities. As a broader community, we should be looking at the impact on all women of child-bearing age who drink alcohol and take other drugs as well. There is a severe problem with children born to drug dependent mothers. It is part of a huge and growing problem within not only the state but also Australia that needs to be wrestled with.

All the information I have gathered has come from overseas. There is a group in South Australia, and I congratulate those women, who have been knocking on doors for the past four years (of which I am aware) to bring the problem to the attention of health authorities and others in order to try to deal with it. I understand that some wine exporters put warnings on their labels that do not appear on the Australian product—and I think that needs to be looked at. I think the issues which the honourable member raises and which the press are now starting to get on to are as important as any other preventative health program that is run presently in our health system.

It is a community health problem that runs across communities. It is not just in Aboriginal communities but it is predominantly bad in Aboriginal communities. We are

wrestling with it. The Social Inclusion Unit has been made aware of the issue and is looking at some issues associated with how a state tackles a national problem within its own boundaries. It appears that Queensland is tackling it as a state, but I suspect that, because of our labelling laws, some affected industries may resist a labelling change. We will be trying to work with the commonwealth to bring about those changes.

In relation to the other issues, I think education is a key factor. I understand that the liquor suppliers in the Northern Territory have voluntarily banned some of the fortified or boutique spirits such as vodka and raspberry—those spirits that are introductory alcohol traps for young women, in particular. They have excluded them. I was not aware until I made inquiries that one can buy these drinks in casks in the territory. I do not think they are available in casks in this state at present, but they have taken them off the shelves in a voluntarily move to try to come to terms with the problem, in conjunction with those people who are looking at community health issues associated with foetal alcohol syndrome.

The honourable member mentioned in his question that a lot of damage is caused by foetal alcohol syndrome. As I said, we must tackle it on a number of fronts. We are gathering the information. I have had a look at the various states in Canada and it is also a state issue in the United States, where they have variations on the theme of how to deal with it. We will be trying to progress that through our community health programs in this state. As to areas that I have not covered in relation to the many questions that were posed, I will pass them on to the Minister for Health.

DRY ZONE

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 Tourism, a question about the extension of the Adelaide City Council dry zone.

Leave granted.

The Hon. J.M.A. LENSINK: The state government has recently agreed to the Adelaide City Council's extension of the dry zone until 31 October 2004. In explaining the government's support for the extension, the Minister for Administrative Services (Hon. Jay Weatherill) referred to a study that has shown that the incidence of public drinking has decreased; that the number of alcohol related offences has declined; and that people frequenting Victoria Square report that they feel safer. However, the head of the Social Inclusion Board (Monsignor David Cappo) has called for the dry zone to be scrapped, stating on ABC Radio on 29 October that it was 'bad at the beginning and bad now'. My questions are:

1. What can the minister report to the parliament regarding the impact of dry zones on tourism in the City of Adelaide?

2. Has the minister approached her department to ensure that this regulation is not breached by any participants in tourism and sporting events, as allegedly occurred at the conclusion of the World Solar Car Challenge?

3. Has the minister spoken to any other ministers regarding the provision of additional services for problem drinkers?

4. Does the minister personally support the dry zone?

5. Does she agree with the comments of the ATSIC Chairman (Tauto Sansbury) and others that the government's decision is discriminatory, racist and 'a stain on the social inclusion record of the Rann government'?

6. Have the minister's views about the dry zone changed in any way since she held the office of Lord Mayor?

Members interjecting:

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): Well, the question is directed to the Minister for Tourism: it is not directed to me. However, I can report that the issue is far wider than just the Minister for Tourism's brief and cuts across many agencies. Minister Weatherill is the lead minister for the agencies dealing with the issue but, as honourable members on both sides of the council know, the issue is not a simple one and is a matter of cooperation across agencies. Certainly, we are beginning from a cold start in putting in the facilities within the city square, or outside the city square, to deal with those issues that arise from public drinking and drunkenness.

It is not such an easy question of banning it in one place and problems not appearing somewhere else, because those problems have to be dealt with, and the government is looking at that issue. We are trying to put together a budget strategy that comes to terms with the movement of people. That is a cross-agency issue and involves quite a number of ministers' portfolios, and we are starting to deal with that. However, I will refer that question to the minister in another place and bring back a reply.

GOVERNMENT TAXES AND CHARGES

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, a question about the government's taxes and charges.

Leave granted.

The Hon. J.F. STEFANI: I refer to an article in the *Sunday Mail* of 9 November 2003 entitled 'Elderly struggle to pay their way' by medical reporter, Brad Crouch. The article outlined how the cost of living for some South Australians has become an increasing burden that is affecting most elderly pensioners and self-funded retirees. The article details the huge increases that have occurred in electricity charges (up 24 per cent from last year); predicted increased gas charges of 20 per cent on top of a rise of 5.6 per cent from last year; increased water, sewerage, emergency services levy, water catchment levy charges; and increased land tax charges.

Rises have also occurred in council rates, car registration, drivers licences and third party premiums. All add to the burden of elderly retired people and pensioners. During the election campaign, the Labor Party, led by the Premier, the Hon. Mike Rann, promised South Australians that if a Labor government were elected there would be no increases in taxes or charges and that there would be no new taxes. As most of the government charges have risen well above the CPI index and a number of new taxes have been introduced by the Labor government, my questions are:

1. Will the minister explain to the thousands of South Australians who are struggling to meet their increased taxes and charges the reason why the Labor government is grabbing hundreds of thousands of dollars over and above the CPI increases?

2. Will the minister admit that the Labor government has broken its promises not to increase taxes and charges or to

introduce new charges and, therefore, will he apologise to the people of South Australia?

3. Will the minister review the government's policy of charging people more than the CPI?

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

MURRAY MOUTH

The Hon. R.K. SNEATH: I seek leave to make a brief explanation before asking the Minister Assisting the Minister for Environment and Conservation a question about the dredging of the Murray mouth.

Leave granted.

The Hon. R.K. SNEATH: The Murray mouth is in the bush, if the opposition does not know. I know that this government has made the health of the Murray River one of its highest priorities. For some time there has been concern about the mouth of the river being closed and the serious environmental consequences of this. To help reverse this, there has been a dredging project underway for some time. My question to the minister is: can the minister give an update on this important project?

The Hon. T.G. ROBERTS (Minister Assisting the Minister for Environment and Conservation): I thank the honourable member for his important question and his continuing interest in all matters to do with regional affairs.

Members interjecting:

The Hon. T.G. ROBERTS: He knows where the bush is, as he is always reminding us. The health of the Murray is of the utmost importance to us. The dredging project at the Murray mouth is going well. I am pleased to be able to report that one million cubic metres of sand has now been removed from the Murray mouth near Goolwa by the dredging operation which began 12 months ago. The system of two dredges operating at the Murray mouth, 24 hours a day, to maintain tidal exchange between the ocean and the sensitive Coorong wetlands appears to be working.

This dredging operation was devised in response to low flows caused by the recent drought and because too much water has been taken out of the river. Without these dredges the Murray mouth would certainly have closed during the past year and this would have caused significant environmental damage. It would have prevented the movement of fish between the river and the sea and artificially increased the level and temperature of the water in the Coorong.

The Murray mouth is now the healthiest it has been for more than two years, purely because of this dredging. The tidal signature has been maintained in the Coorong. This is vital for the migratory wading birds which feed in the area over summer. All of these issues are very important to the Hon. Mr Sneath. The project has recently been assisted by good rainfalls further up the Murray-Darling Basin. This extra flow enabled the barrages to be open for a six-week period in September and October this year, with about 200 gigalitres of water released to go out of the mouth.

Since dredging began in October 2002, the Murray-Darling Basin Commission has committed $4.5 million to this important environmental project. The dredging will continue until at least October next year or until there are sufficient flows to keep the Murray mouth open. I am pleased to be able to say that the Murray mouth is to be discussed as one of the five priority sites at this Friday's ministerial council meeting which the Minister for Environment will attend.

The Hon. CAROLINE SCHAEFER: I have a supplementary question. Given that the minister consistently refuses to answer or attempt to answer any questions which are not directed specifically at his portfolio, does he have the permission of the Minister for Environment to answer a dorothy dixer in this place?

CONSTITUTION, DEADLOCK PROVISIONS

The Hon. IAN GILFILLAN: I seek leave to make a brief explanation before asking the Leader of the Government, the Minister for Agriculture, Food and Fisheries, a question about deadlock provisions in the South Australian Constitution Act 1934.

Leave granted.

The Hon. IAN GILFILLAN: The commonwealth has recently released a discussion paper on section 57 of the Australian Constitution. This relates to the issue of resolving deadlocks between the House of Representatives and the Senate. Within the document there are details of the current methods of resolving deadlocks in state parliaments around the country, and of particular note is South Australia. Deadlock provisions within our state constitution are detailed in section 41 of the Constitution Act 1934. This section requires a referendum if it is to be altered. A deadlock for the purposes of this section occurs:

> 41(1) Whenever—
> (a) any Bill has been passed by the House of Assembly during any session of parliament; and
> (b) the same Bill or a similar Bill with substantially the same objects and having the same title has been passed by the House of Assembly during the next ensuing parliament; and
> (c) a general election of the House of Assembly has taken place between the two parliaments; and
> (d) the second and third readings of the Bill were passed in the second instance by an absolute majority of the whole number of members of the House of Assembly; and
> (e) both such Bills have been rejected by the Legislative Council or failed to become law in consequence of any amendments made therein by the Legislative Council.

In this situation, the governor is empowered, but not obliged, to take one of two courses of action: firstly, he or she may dissolve both houses of parliament, and hence hold an election. Secondly, he or she may:

> 41(1)(i) . . . issue writs for the election of two additional members of each Council district.

And those council districts apply to the Legislative Council. As members will know, there is now only one Legislative Council district, which is the entire state. When these provisions were first enacted there were a number of districts. The election of extra legislative councillors would swell the numbers in this place to 24. Section 41 also provides a mechanism for the number of members to be re-adjusted at subsequent elections. If anyone can understand this at a first reading, they are smarter than me—but have a go. It continues:

> 41(3) If writs for the elections of additional members of the Council are issued, after the issue of such writs no vacancy whether arising before or after the issue thereof shall be filled except as may be necessary to bring the representation of the district in which the vacancy occurs to its proper number as set forth in Schedule 2 of this Act.

I will ask the Hon. Terry Roberts to explain that to me later. However, those members who are students of the state constitution, such as some people in this chamber, will note that there is no Schedule 2. There has not been since 1982 when it was repealed. The result of my reading is that the

increased size of the Legislative Council would continue until after another deadlock occurred at which the governor could choose to dissolve parliament entirely. Should the governor, however, use this second deadlock to issue the writ for a further two members of the Legislative Council, we would end up with 26 MLCs. The story could continue with the ever increasing Legislative Council. The mind boggles—we could actually out-number the House of Assembly. My questions to the minister are:

1. Does the minister believe that the election of two additional members to the Legislative Council would be an effective method of resolving a deadlock as defined by the constitution?

2. Does the minister have advice on what mechanism exists to return the Legislative Council to its current size should section 41(1)(i) of the Constitution Act 1934 be used? If so, what is that advice?

3. Does the minister believe that this section should be amended?

4. Given that the people of South Australia invested considerable time and money in the Constitutional Convention earlier this year, why was this issue not discussed?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I have had a look at the deadlock provisions in the past as they exist for this council. I could not help but agree with the honourable member that they are obsolete. In my view, they are never likely to be used. Part of the reason that they were not changed in 1973 when major changes were made to the council was that back in 1973 it would have required a referendum to make any changes to that provision.

I presume that the government of the day, in bringing forward those large changes (in relation to making this council far more democratic, having a full adult franchise and representing the whole state) obviously did not believe that having a referendum in relation to those matters would have been productive. I presume that is why they have been left in there as sort of moribund provisions. Of course, at that time, if I recall correctly, provisions were made to the constitution to allow for bills of special importance. I suppose that was the solution at the time to try to deal with deadlocks between the houses.

To get to the specifics of the honourable member's questions, I will just give him my personal views. Certainly, in my view, the provisions as they exist now have little effective function. Should they be changed? Probably, in my opinion, but how would one go about that? You would have to have a referendum. Obviously, there would need to be broad agreement, certainly of the major parties and probably the minor parties as well, if referendums were to be carried. One would need to consider the value of doing that commensurate to the expense of having such a referendum. I will see whether the Attorney-General wishes to make any further comments. He has responsibility for that, of course; and he can also answer the last question as a member of the Constitutional Convention.

The PRESIDENT: By way of assistance to the council, I point out that the deadlock provisions have never been used. Information is available to all members on this matter. A comprehensive paper put together by the Clerk of the council has been presented on behalf of this parliament on a number of occasions. If members want to avail themselves of knowledge, they should approach the Clerk.

Honourable members: Hear, hear!

SAME SEX COUPLES

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Attorney-General, a question about same sex adoption.

Leave granted.

The Hon. A.L. EVANS: Earlier this year, the government released a discussion paper inviting comment from the public on a range of possible changes to legislation currently considering discrimination to same sex couples. The discussion paper invited comments on the possible financial, legal and other implications that should be taken into account in removing discrimination against same sex partners or same sex relationships across a number of areas. One area of possible change presented in the discussion paper concerned changes to the law relating to children, parenting and family responsibility.

Current legislation dealing with adoption was discussed under that category. Written submissions closed on 7 April 2003, and the government advised that 2 216 submissions were submitted. Although a report analysing community responses has yet to be released, an article published in *The City Messenger*, dated 29 October 2003, mentioned that the Attorney-General's office had advised that the government hoped amendments to the relevant legislation would be available next year. My questions are:

1. Would the Attorney-General advise whether the government will be proceeding with reforms to adoption laws in South Australia which will allow same sex couples to adopt children legally as one of the 54 pieces of legislation identified in the discussion paper?

2. Would the Attorney-General advise whether the government will allow all members a conscience vote on this specific issue of adoption by same sex couples when the matter comes before parliament and, if not, why not?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I will refer those questions to the Attorney and bring back a response.

The Hon. A.J. Redford: You can't even tell us whether we can have a conscience vote.

The Hon. P. HOLLOWAY: That is a matter for party rules, actually.

The PRESIDENT: I understand that the minister needs to move another motion.

AUDITOR-GENERAL'S REPORT

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

That question time be extended by one hour for the purpose of considering the Auditor-General's Report.

Motion carried.

The Hon. R.D. LAWSON: My question is directed to the Minister for Correctional Services and relates to part B of the Auditor-General's Report for the year ended 30 June 2003, Volume III, pages 744-45. At page 744, under the heading 'Operating expenses', it is stated that the total operating expenses of the department increased by $17.2 million, or 15 per cent. The text goes on to say that the main reason for this was an increase in employment expenses, which increased by $14.5 million, of which $10.4 million can be accounted for by increased workers compensation liability in 2002-03, due mainly to a change in the estimation methodology.

In the centre of page 745 the text explains that this deterioration of $11.1 million was due in part to the fact that the increase in the employment expenses was a year-end adjustment to the provision of workers compensation and, as a result, was not considered when determining the appropriate level of appropriation funding. Given that this issue was not considered when determining the appropriate level of appropriation funding for the year under review, has the minister had discussions with the Treasurer or has a bid been prepared to ensure that an appropriate level of appropriation funding to include this increased amount will be included in the budget of the Department of Correctional Services for the current or some ensuing year?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I think the answer to that is that $10.4 million out of the $11.1 million was a result of the changed calculation formula for workers compensation from cash to accrual. I understand that the provision for workers compensation will not have to be made in terms of budget strategy. The increased impact on workers compensation can be taken over time by managing the way in which the calculations are made. It is a management problem. Within the correctional services system, a large proportion of the extras that are added on to the service's calculations come from workers compensation.

Although it appears to be quite high, most of it is taken up by the changes from cash to accrual accounting. As an operational matter, I have asked the director to look at ways in which we can try to reduce the workers compensation component of corrections. It is not an easy area to work within in terms of the environment. However, I am sure that, with some changes to operational or management methods, we may be able to reduce it. What appears to be a large percentage increase is due to the method in which the amounts have been calculated.

The Hon. R.D. LAWSON: Further to that matter, will the minister agree to provide the council with further information on the question whether or not, as is suggested in the note, an additional amount of appropriation funding will be necessary to meet this additional contingency?

The Hon. T.G. ROBERTS: I will give an undertaking to bring back a reply to that question.

The Hon. CAROLINE SCHAEFER: My question is directed to the Minister for Agriculture, Food and Fisheries. I refer to page 1071 of the Auditor's report which outlines the fact that computer operations and control matters that were highlighted in the previous year's Auditor-General's Report were not rectified in the ensuing 12 months. Can the minister detail the nature of the computer operations that were not rectified?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): With regard to the Auditor-General's comments on page 1071, it is not correct to say, as is mentioned there, that little progress had been achieved. Of the 27 issues that were raised in the Auditor-General's previous report, only seven of those were not addressed in time for the closure of the 2002-03 accounts. These are currently being addressed. In relation to the audit issues in the current year, which I assume is what the honourable member is asking—

The Hon. CAROLINE SCHAEFER: What is the nature of the control matters that were not attended to with regard to computer operations? What was not attended to?

The Hon. P. HOLLOWAY: As I said, most of them were attended to. These matters mainly related to the conduct of reconciliations and the process of completing financial statements. These matters were addressed by PIRSA during the audit period. The seven matters being addressed on the IT system are: the documentation of procedures for user access to the general ledger system; password security for the SEEDS data system; password security for account retrieval regional invoice system; password security for tenement rental system and development of business continuity plans; documentation and implementation of new procedures for reconciling accounts receivable system; and the segregation of duties in e-commerce applications. So those matters are all being addressed.

The Hon. CAROLINE SCHAEFER: With respect, the Auditor-General says as well as the computer operations or as part of the computer operations—I am not quite sure—that the matters related to planning, policy, procedures, security and control arrangements and were considered in need of management attention to achieve a satisfactory control environment. He then goes on to say—and the minister has just disputed the accuracy of the Auditor-General, something I did not think I would live to see—that little progress has been achieved. The minister has disputed that and says that much progress has been achieved. I seek an update on the progress because the department has said that it will have fixed all of this by next month and I am wondering how it is getting on. I would like an update as it is now some months since this Auditor-General's Report, let alone the previous Auditor-General's Report.

The Hon. P. HOLLOWAY: As I said, 27 issues were raised in the 2001-02 audit. Those matters are being addressed. Documentation of procedures and policy needs to be completed to formalise the process for user access to the general ledger. The procedures are being completed and policy documentation will be completed by 31 December 2003. Secondly, system improvements were required regarding password security and expiry dates on three PIRSA systems: the SEEDS data system, the accounts receivable regional invoice system and the tenement rental system. Developments are under way for two of these—the accounts receivable and the tenement systems—with an expected completion date of 31 December 2003.

The third, the SEEDS data system, is under discussion with the IT developer and will be developed as soon as possible. In relation to the next matter of the seven, PIRSA does not currently have formal business continuity plans in place. These plans assist organisations to continue to manage operations after the occurrence of an unexpected crisis such as a fire or other disaster. A process to develop business continuity plans within PIRSA has begun. A project has commenced in the information management group of PIRSA that will provide a full and accurate register of business application systems, their respective software components and the technical support arrangements for each system and will identify the key systems for the purpose of developing business continuity planning. Once the review of the systems has been completed, the business groups of PIRSA will be asked to complete appropriate business continuity plans and this is expected to occur during 2004.

The next item is the documentation and implementation of procedures for reconciling general ledger codes between the accounts receivable regional invoicing system and the general ledger system, which was required to be completed.

A procedure has been implemented to reconcile the two systems and this will be documented by 31 December 2003 to ensure that regular ongoing reconciliations occur in future.

The final issue related to segregation of duties. Analysts and programmers involved in the development of e-commerce applications also had access to the production environment. An IT configuration manager has been appointed and formal change control procedures are being developed to address this action. The expected completion date is 31 December.

The Hon. IAN GILFILLAN: My question is to the Leader of the Government regarding public-private partnerships. It is interesting to quote from *The Australian* at page 4, Tuesday 11 November, in an article headed 'What are PPPs?' as follows:

> Instead of governments borrowing to fund capital spending on infrastructure such as buildings, roads and hospitals, it involves the private sector. A private partner, such as a bank, provides debt funding and takes on some of the risk for completing a project, then manages construction and maintenance of the facility. The bank might find equity investors such as superannuation funds to help carry the cost. The government repays the bank and investors over the 20 to 30 year life of the contract, at which point the asset belongs to the government. Borrowing for PPPs do not show up fully on a government's balance sheet as debt—an attraction for debt-shy administrations.

The Auditor-General in his report in the section titled, 'The provision of public services in association with the private sector by way of public-private partnerships/private finance initiatives' makes several observations about such partnerships. The report states:

> The concept of 'partnership' is, in my opinion, a misnomer where the subject of the contractual relationship with the private sector (i) relates to the delivery of a service that is a government responsibility or (ii) relates to the operation of infrastructure that remains the property of government. . . 'Co-accountability' for a matter that is the responsibility of government is difficult to achieve in a Westminster system of government. Short of outright privatisation of the service and/or the infrastructure that is being provided, the 'government' responsibility remains. . . Regardless of how the matter of risk analysis has been undertaken and risk allocation has been negotiated by the Executive Government prior to entering the contractual relationship, the claimed savings for the public purse under outsourcing contracts are illusory if when a difficulty arises for the private sector provider, the public sector is required to come to the rescue with public moneys and/or amends the contract to the benefit of the private sector provider.
>
> In my opinion, it is a negation of the basis upon which the arrangement for the outsourcing was undertaken, if the private sector contractor is provided with further public moneys without appropriate benefits being provided to government in return for what is, in effect, a public bailout of private propriety interests.
>
> In developing these relationships there is, in my opinion, a need for a much sharper focus on exactly what is to be achieved. If the contracted for outcome/service/etc is not delivered, there must be a realistic sanction to compensate the government (as the communities' representative) for the breach of the contract.

Given the Auditor-General's very clear misgivings on the value of public-private partnerships, my questions are:

1. What steps is the government putting into place to fully publish the cost/benefit analysis for each foray into public-private partnerships?

2. What reporting cycle is the government prepared to adopt to demonstrate to the people of South Australia that these ventures are in fact resulting in cost savings?

3. What is the government fall back position for taking these privatisation projects back into full public ownership in the event of a demonstrable failure?

I note that the Auditor-General has recognised that the government has accepted this public-private partnership/private finance initiative as a policy objective. Is that policy objective not at odds with Labor Party policy and philosophy which has been in place for many decades?

The PRESIDENT: I think it would be helpful to us all, and it would save time, if the questioner actually says which page they are talking about so the minister can go straight to it. I know the honourable member did say the title of the clause. But if we deal with it in that format, we can go straight to it and save ourselves time, and give members optimum time to ask questions.

The Hon. P. HOLLOWAY: I did eventually find the page; it is pages 4 and 5 of the Auditor-General's audit overview. The honourable member has asked questions on this matter before. I have made some comments and provided answers to him from the Minister for Infrastructure in relation to those matters. The government, as has been pointed out, has considered a fairly limited range of projects for which the PPPs might possibly, in particular, provide building services to government. I remind the honourable member of the point I have made in this parliament on numerous occasions which is that the government has not been in the business of building commercial buildings for government departments for many years. It is not an area that I would regard as privatisation. In the past, governments have always contracted to the private sector to provide buildings or they have rented accommodation. For example, PIRSA has been at 25 Grenfell Street for 20 years or more. It is a privately owned building. It has been a long time since governments themselves built those sorts of buildings. I will get answers to the rest of the honourable member's question.

The Hon. R.K. SNEATH: My question is to the Minister for Agriculture, Food and Fisheries. The issue on page 1 096 of the Auditor-General's Report under 'Supplies and services' refers to a negative workers compensation expense of $808 000. This indicates an improvement in the liability for workers compensation claims. I ask the minister to explain the nature of this negative expense.

The Hon. P. HOLLOWAY: This reflects an improvement in workers compensation liability in PIRSA that has resulted from more effective occupational health, safety and welfare practices employed by the department. The Department of the Premier and Cabinet provides an actuarial determination of the estimated workers compensation liability of all departments as at 30 June each year. At 30 June 2003 this liability was assessed to be $1.4 million—a reduction of $808 000 or 36.7 per cent of the liability from 30 June 2002. This reduction of $808 000 has been treated as a negative expense in the 2002-03 financial statements.

This significant reduction in PIRSA's liabilities reflects the successful work that PIRSA has undertaken to manage occupational, health, safety and welfare risks through the development and implementation of the OHS&W injury management strategic plan 2002-04 and the PIRSAFE system. Some of the significant improvements made in 2002-03 include a review of PIRSAFE standards. Some 18 new PIRSAFE procedures were released, which provide for better structure, continuity and organisation of occupational, health, safety and injury management across PIRSA. Seven new PIRSAFE standards were created and some of the 18 PIRSAFE procedures developed include emergency response, first aid, fatigue management, hazardous substance management and incident reporting. The need for a set of agency procedures was identified in the last WorkCover audit. The procedures provide for more continuity across

PIRSA. They set a minimum standard for occupational health, safety and injury management in a range of areas.

Finally, a new internal audit program has also been established. The audit is broken down into two key areas—strategic and functional. Throughout the development of the program WorkCover has been consulted to ensure alignment with their standards and it is expected that the new internal program will be rolled out in 2004.

The Hon. R.D. LAWSON: My question is directed to the Minister for Correctional Services and arises from page 753, volume III, Part B. It relates to grants from the Department for Correctional Services to the University of South Australia forensic psychology department. In the first budget of the Rann government, an excellent cooperative arrangement which existed between the Department for Correctional Services and the forensic psychology department of the University of South Australia was abandoned and defunded. The Auditor-General now observes that a grant was made in the year ended 30 June 2003 to the forensic psychology department. I ask the minister to indicate for what purpose and for what amount that particular grant was.

At the same time on a related topic, at page 757 it is recorded that there was a consultancy awarded by the department to the University of South Australia forensic psychology consultants for $63 000 in the same year. Will the minister indicate the nature of that consultancy?

The Hon. T.G. ROBERTS: I will have to verify it with the department and get back to the honourable member, but it is my understanding that services were still being provided in the tail half of that financial year. The services did not run down from the point of the budget being presented. My understanding is that contracts were still running to the end of that year. So, in that half year, those consultancy fees would have been provided to continue those services for that period of contract. However, I will confirm that with departmental officers and bring back a reply for the honourable member.

The Hon. CAROLINE SCHAEFER: My question is to the Minister for Agriculture, Food and Fisheries and refers to page 1096. Immediately after the delivery of the Auditor-General's Report, I raised the issue, by way of a question to the minister, of an extra eight people in his department earning over $100 000. That was an increase of some 25 per cent. At the time, the minister claimed that that was due purely to increased wage indexation. Does the minister still agree that that was the reason? How does he reconcile that with the fact that the total component of employee costs to PIRSA has fallen by $2.4 million in the same time?

The Hon. P. HOLLOWAY: I assume that the honourable member is referring to the employee costs of the department, which went from $69.081 million in 2002 to $66.668 million in 2003. Is that the figure that the honourable member is using?

The Hon. Caroline Schaefer: It is the total expenses at point 4 on page 1096.

The Hon. P. HOLLOWAY: Those figures are self-explanatory. Salaries and wages fell by $2.413 million; superannuation rose by $441 000; payroll tax by $185 000; and annual long service leave expenses by $3.223 million. That latter figure is due to an accounting change that I would be pleased to explain, if the honourable member wishes further detail on why that has gone up. Essentially, it is a reassessment of liabilities due to an accounting change.

However, in relation to the overall increase in employee costs, we can explain those as follows. Overall, they have fallen due to the Sustainable Resources Division being transferred during the course of the year. The budget figures that are presented each year represent the changes to the department. So, if we look at the budget-on-budget figures, they represent a truly comparable basis. The Auditor-General's audited figures for departments are comprised of actual costs. So, if there has been a change to departments during the year or, changes in accounting charging for parts of departments during the year, they will be reflected in the Auditor-General's Report. Essentially, that is what has happened here.

One of the reasons why employee costs have fallen is that transfer during the course of the year. Obviously, for the 2001-02 year, for 10 months those figures would have reflected the Sustainable Resources Division; for the entire 2002-03, they would not be reflected in the figures. But against that, obviously there have been increases and decreases.

As to increases, the enhanced diseases surveillance program has resulted in six new full-time positions. The Ovine Johne's program has resulted in 1½ new full-time positions. Other factors in the increases included enterprise bargaining agreement salary increases of 4 per cent. In relation to annual and long service leave, as I said, that $3.223 million figure is due to higher average balances and related on-costs for leave entitlements and the recognition of long service leave after seven years of service. Previously, for some reason it had been taken into consideration only after eight years for accounting purposes.

In relation to superannuation, $441 000 is tied into the salary increase of 4 per cent. The annual and long service leave was explained previously. The payroll tax figure mainly relates to the 4 per cent salary increase, and annual and long service leave has also been explained. Against that, 11 employees accepted voluntary termination packages in 2002-03 relating to changes in the 2002-03 budget and, as I have mentioned, the Sustainable Resource Group was transferred to the Department of Water, Land and Biodiversity Conservation on 1 May 2002. So, 10 months of results including the Sustainable Resources Group was included in 2001-02.

The Hon. CAROLINE SCHAEFER: I am not an economist and I do not have the assistance of an economist: I am a simple farm girl. What I am trying to work out is how, by the minister's own admission, he is paying eight extra people over $100 000, yet his total employee costs have fallen by $2.4 million. By his own admission, he has appointed eight extra people. What I really want to know is how many of these are there simply because of the 4 per cent increase in wages and how many new executives have been appointed. I also want to know how many fewer people he is employing at the end of a given period or, in fact, have some people had their wages cut?

The Hon. P. HOLLOWAY: No, they have not had their wages cut. As I said, the Sustainable Resources Group was transferred to the Department of Water, Land and Biodiversity Conservation on 1 May 2002. So, if one looks at the figures for 2002, the $69.081 million includes 10 months of salaries paid to, I think, 160-odd people, gross, although I think 30 remained within PIRSA when that change was made on 1 May 2002. So, their salaries are included in the 2002 figure, at least for 10 months of the year. But for the whole of the year 2002-03, the figures do not include those employ-

ees of the Department of Water, Land and Biodiversity Conservation.

If one was doing a budget-to-budget comparison, that had all been taken into account. However, if one is looking at the actual audited figures that the Auditor-General uses, I am advised that they reflect actual costs. So, the 2002 figures reflect that actual cost for 10 months of the Sustainable Resources Group being part of PIRSA. But the changes were 7½ new positions, but 11 people took packages.

In relation to the work force, today I tabled the annual report of PIRSA. The honourable member may care to look at the work force statistics which are in the appendix of that report, but I have some figures here that I can use. The number of employees in PIRSA at June 2002 was 1 433; in full-time equivalents, that is 1325.89. At June 2003, the number of employees was 1 370, which is 63 fewer. In full-time equivalents, that is 1286.57, which is a difference of 39.32 in full-time equivalents and is a reduction from June 2002 to June 2003. There were 30 executives in June 2002 in PIRSA.

In June 2003 there were 26, a reduction of four. The reasons for those included the transfer of the office of regional development to the office of economic development, including two executives; the separation of 11 employees through TVSPs; the transfer of Energy policy staff to the department of Treasury, including one executive; and there were also changes in contract employees. Obviously, for a department such as PIRSA, casual employees will vary depending on demand for things such as fruit fly and locust programs.

The PRESIDENT: Has the Hon. Mrs Schaefer concluded her line on that one?

The Hon. CAROLINE SCHAEFER: Yes. I have given up.

The Hon. R.D. LAWSON: My question is directed to Minister for Correctional Services and is about the contracted services referred to on page 757 of Volume 3 of the Auditor-General's Report. Mention is made of the contract for the management of Mount Gambier Prison, prisoner movement and in-court management and the home detention monitoring contract, each of which extend beyond 30 June 2003. Following the Rann government's coming to office, it was announced that a high-level ministerial team comprising the Treasurer, the Attorney-General and the Minister for Government Enterprises would be reviewing all government outsourcing contracts with a view to providing some form of report. My question is: has that committee provided any report or information to this minister in relation to those contracts?

The Hon. T.G. ROBERTS: The only information I have been given in relation to the renewal of contracts has been about Group Four, the movement of prisoners contract, in the Mount Gambier area. The Group Four contract for the movement of prisoners is good value for the government in terms of costs. Subsequently, there was a renewal of that contract.

As for a high-level committee report, I am not aware that there has been any high-level committee put together to examine any of the outsourced contracts that were made by the previous government. Within departments there may be analyses done of particular contracts and a comparison of the cost pick-up the government would have in changing those contracts. In particular, I suspect that transport would be one of the biggest areas where those sorts of principles would apply. However, with Correctional Services, Mount Gambier Prison contract is up for renewal. There will be an analysis done of that contract. Of course, as members on both sides know, there are re-tendering processes to go through in order to renew some of those contracts. I take the implied situation from the honourable member's question. Group Four, movement of prisoners, is a contract such that, on my understanding, if it were not to be renewed and the police or private security companies were to be used, it would probably lead to increased costs. Therefore, the decision was made to maintain the contracts.

The Hon. R.D. LAWSON: Can the minister inform the council of the details or general description of the home detention monitoring contract referred to in that particular note by the Auditor-General?

The Hon. T.G. ROBERTS: No. I cannot provide any details in relation to the home detention monitoring contract. I will endeavour to get those details and relay them to the honourable member after referral.

The Hon. SANDRA KANCK: My questions relate to the Auditor-General report into State Opera, and in particular, to pages 1038-1039. Members may recall that in late-September I asked a question in the parliament about a $500 000 blowout of State Opera, which was not insubstantial given that there was a $12 million budget. When it was drawn to minister Hill's attention he just dismissed it as just one of those things that happens. However, it was interesting to see that the Auditor-General, therefore, has a number of comments to make about the financial management of State Opera. Under the heading 'Risk Management', he observes:

> The State Opera had not developed a risk management plan to ensure that the requirements of its risk management policy were being met. Specifically, Audit noted that State Opera had not initiated a formal process to identify, analyse, assess, treat and monitor potential risks.

State Opera responded that they would be starting the development over the next five years to do this. The Auditor-General has also raised concerns about contracting and procurement activities. He says that the construction of sets for the 2004-05 production of *The Ring* had not been undertaken in accordance with policies of the State Supply Board. By the way, that was the area in which I raised those questions about the $500 000 blowout back in September. He says:

> In particular State Opera were unable to clarify what delegation of authority had been vested in State Opera from the State Supply Board for contracting and procurement. Audit recommended that State Opera seek written clarification from the State Supply Board. . .

State Opera responded that they would seek clarification with the State Supply Board.

Under the heading of 'Designer Performance Agreement', the Auditor-General says:

> . . . discussions with management concluded that the designer failed to meet certain obligations in that final costing information for critical special effects designs were not delivered by the agreed date. Review of the agreement with the designer by Audit revealed that there were no penalty clauses within the agreement for failure by the designer to meet contractual obligations.

That seems extremely strange, and something that would not be allowed within government departments. He continues:

> Audit communicated to management that the inclusion of penalty clauses within major contracts would improve State Opera's

bargaining position in negotiations with contractors who fail to meet their contractual obligations.

State Opera responded that the inclusion of penalty clauses was not practical and not a realistic option in the broader arts industry.

My questions are:

1. Has the development of a risk management program commenced? If so, what is its progress? When will it be completed?

2. Has State Opera sought clarification with the State Supply Board about the contracting and procurement activities of State Opera? If so, what changes will State Opera be making?

3. Does either the Premier or the Minister Assisting the Premier in the Arts agree with State Opera that the inclusion of penalty clauses is not practical or realistic for State Opera?

4. Does he consider that, without such clauses, further cost blow-outs are likely to occur?

5. What is being done to bring the current cost blow-out under control, and will either the Premier or the minister release the Australia Council Commission's report by Richard Stuart into the management of State Opera?

The Hon. P. HOLLOWAY: I will refer those questions to the Premier. I indicate, though, that the audit opinions, presumably, are there for strengthening. The Auditor has not qualified his opinion in relation to those matters so, presumably, the suggestions he makes are ways in which the management of the State Opera could be further strengthened. However, I will refer the detail of the questions to the Premier.

The Hon. CAROLINE SCHAEFER: My question is to the Minister for Agriculture, Food and Fisheries, and I refer to page 1096. Under 'Supplies and Services', there has been a reduction in expenditure of $23.2 million over the last 12 months. We all know that the massive cuts to the budget for Primary Industries was, in fact, in the 2002 budget rather than the 2003 budget. I understand that some $12 million, from what I can work out, of this reduction is as a result of the transfer of various programs to the Department of Water, Land and Biodiversity Conservation, including the Upper Dry Land Salinity and Flood Management programs and the Loxton Irrigation Scheme.

However, by my calculation, that still leaves a discrepancy of some $10 million or $11 million in reduced expenditure. Will the minister give me an assurance that that does not equate to a reduction in services to the constituency. If he can give me that assurance, how has he managed to make such massive savings in a 12-month period when, as I say, most of the budget cuts were made in the preceding year?

The Hon. P. HOLLOWAY: What is before us are the results for the financial year ended 30 June 2003. Essentially, they reflect the decisions that were made in the 2002 budget. As I indicated earlier, they are compared with the outcome for the year ending 30 June 2002 which, of course, reflected that, for 10 months, the Sustainable Resources Division was within PIRSA. I can give some explanation of the components of that. The $1.436 million for wages and salaries, I think, was covered in the previous answer. It is probably not necessary to go through that again.

The major component of 'supplies and services' includes professional services, operational and administrative costs and utility and property costs. Supplies and services decreased by $23 million. The breakdown of that is that $11 million was due to the transfer of the Loxton Irrigation Scheme and the Upper South-East Dry Land Salinity and Flood Management programs to the Department of Water, Land and Biodiversity Conservation on 1 May 2002. Also, there were a $5 million decrease in professional services; a $2 million decrease in utility and property costs; and slight decreases in other components.

As I say, each of the items listed would also reflect the fact that, for the 2002 figures, for 10 months the sustainable resources group was included. So, each component of the $86.651 million, all the way down (computing costs, travel, etc.), reflect the 10 months that the sustainable resources group was in the department.

The Hon. CAROLINE SCHAEFER: Further to that question, referring to the same page and the same line, will the minister explain an income, as I read it, of $808 000 into staff training and development?

The Hon. P. HOLLOWAY: That was really the answer I gave to an earlier question asked by the Hon. Robert Sneath. That saving, basically, was due to improvements to occupational health and safety. It is a very positive outcome for the department that we were able to save that figure as a result of better occupational health and safety, but the full details are in *Hansard*.

The Hon. KATE REYNOLDS: My question relates to the child protection review, known as the Layton report. My question is therefore to the Minister for Aboriginal Affairs and Reconciliation. The reference is Volume 2, page 552. The report, known as 'Our Best Investment', was formally released by the government in March 2003. The report highlighted priorities for implementation and identified priorities with no significant cost implications, others with moderate costs and the priorities with significant cost implications. The Minister for Social Justice provided an opportunity for the public to make written submissions and comment on the review's recommendations until June 2003. The Auditor-General noted that the government had yet to release a formal response to the review. My questions are:

1. How many written comments have been received from the public that relate to the review's recommendations?

2. When, precisely, will the minister release the government's response to the Layton report, and will this response include detailed costs and time frames for implementation?

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

The Hon. CAROLINE SCHAEFER: My question is to the Minister for Agriculture, Food and Fisheries, and the reference is pages 1070 and 1071. It is the practice of the Auditor-General to outline significant matters raised with agencies. My experience is that these are never significant matters which the Auditor-General considers to be praiseworthy. No less than 12 of these significant matters are raised within the minister's department, including a failure to document policies and procedures in respect of payroll, personnel, accounts payable, mining and petroleum rentals, fisheries, licensing and receipting and banking consistent with the requirements of the financial management framework and the Treasurer's Instruction No. 2. My questions are:

1. Does the minister consider that this is satisfactory? I can read, I can see, that the minister's department's explanation to the Auditor-General was satisfactory. Does the minister believe that it is satisfactory?

2. Given that, apparently, the department has not handed over mineral and petroleum royalties since March 1999, how long does the minister reckon he will get away with that?

The Hon. P. HOLLOWAY: I am advised that those royalties are reflected in the consolidated account. There is one big pie here. At the end of the day, the most important thing is that the bottom line adds up correctly.

The Hon. Caroline Schaefer interjecting:

The Hon. P. HOLLOWAY: I am sure that somewhere in a ledger it is dutifully recorded. I am sure that we are not able to spend it how we like, unfortunately. In relation to the first question, obviously, I always consider seriously the comments made by the Auditor-General. I am pleased that there was no qualification of the accounts of the department. Obviously, when the Auditor-General's officers go through any department they find things that can be done better. Of course, one has to look at the cost benefit of that for the department; whether one could, in a perfect world, have much better procedures.

If the cost of implementing those procedures is excessive relative to the benefit, I suppose that is when government has to consider whether or not they are worth while. I consider the Auditor-General's criticism seriously. I am satisfied that the Department of Primary Industries and Resources has made a serious attempt to address those where it is practical and cost beneficial to do so.

The Hon. D.W. RIDGWAY: My question refers to two broad areas rather than to specific pages at this point, in the areas of business, manufacturing and trade and of economic development, which I assume are directed to the leader of the government representing the Premier. Page 104 of Volume 1 states that the scope of the audit includes revenue collection, accounts payable, personnel/payroll function, financial assistance and non-current assets (property, plant and equipment). When I go to the scope of the audit for economic development I find a review of accounting and related processes, accounts payable, payroll, plant and equipment, and contractors. I looked in both these sections for any information relating to the Office of the Upper Spencer Gulf, Flinders Ranges and Outback or the Office of the Murray, but I was unable to find any reference, although I believe that they come under either one of these two departments.

My questions relate to the review of financial accounting and related processes covering the number of staff at these offices, the number of motor vehicles at these offices and their cost. I believe that the Office of the Upper Spencer Gulf now has a 1800 number: what is the cost of that number and has the Auditor-General reported on or had any information on these particular offices? Was the appointment open and transparent and the process appropriate in the appointment of the failed ALP candidate for the seat of Stuart, Mr Justin Jarvis, for the Port Augusta office, and also the failed ALP candidate for the seat of Heysen, Mr Jeremy Makin, for the Office of the Murray?

The Hon. T.G. ROBERTS: Those questions are better directed to me than to the leader. I will take those questions on notice and bring back a reply after referring them to the minister.

The Hon. KATE REYNOLDS: My question relates to education and children's services, so it will be asked of the Minister for Agriculture, Food and Fisheries. In Volume 1, page 195, the Auditor-General discusses systems related to the payment of salaries and wages that were identified as raising some significant issues within the Department of Education and Children's Services. The audit identified certain instances of non-compliance with generally accepted internal control procedures and departmental policies. Specific issues included the need to ensure that payments were made to bona fide employees only, and ensuring that only authorised data should be processed. I note that the Auditor-General also highlighted some poor payroll transaction processes in the South Australian Housing Trust and the South Australian Community Housing Authority, so there are obviously a number of problems shared between departments. My questions to the minister are:

1. What payments and under what circumstances have payments been made to non-bona fide employees?

2. How has this matter been addressed?

3. What unauthorised data has been processed?

The Hon. P. HOLLOWAY: I will refer those questions to the Minister for Education and Children's Services and bring back a reply.

The Hon. J.F. STEFANI: My questions relate to the Hindmarsh Stadium loan. The Auditor-General in Volume 1, page 9, of his report identifies that as at 30 June 2003 the government had underwritten and paid the amount of $3.95 million in principal and interest repayments to the National Bank owed by the South Australian Soccer Federation for the redevelopment of Hindmarsh Stadium stage 1 and the fitout of stage 2. The loan collectively guaranteed by the government was $6.1 million. The Auditor-General observes that the government and the department have not appropriately identified the loan repayable to the government by the South Australian Soccer Federation. My questions therefore are:

1. What steps has the government undertaken to ensure the repayment of the money that the government has so far paid on behalf of the federation?

2. Will the government recognise the liability that is longstanding now and will remain as recommended by the Auditor-General?

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

Time expired.

MATTERS OF INTEREST

FLEURIEU AND ADELAIDE HILLS RURAL COUNSELLING AND INFORMATION SERVICES

The Hon. CARMEL ZOLLO: The annual general meeting of the Fleurieu and Adelaide Hills Rural Counselling and Information Service was held last month at Victor Harbor, and it was my pleasure to represent Minister Holloway on the evening. Present at the AGM was chairman Dale Woodroffe, who was re-elected for another term, as well as committee members and Mr Austin Reid, the rural financial counsellor. The work performed by our Rural Counselling and Information Services is a most valuable one. The service covers the base region of the District Councils of Yankalilla, Victor Harbor, Goolwa and Strathalbyn, as well

as the expanded area of the Southern Adelaide Hills. The service has been operating on the Fleurieu since August 1993.

I am pleased to see that we are one of the states that provides assistance in financial contribution to the Rural Financial Counselling Services. It is an essential service in today's challenging and fast world. Following a national conference of counselling services held several months ago, resource material will also be made available for governance processes. The new program, developed in conjunction with state representatives, is a move towards encouraging more outcome focus. It includes community managed services plus short-term financial counselling projects to target areas or industry in need, using mobile counsellors.

It is envisaged that the program will be more flexible, will encourage a broader range of applicants and will include improved reporting arrangements and an expectation of delivery set at 75 per cent, with the administrative component no more than 25 per cent. The criteria for short-term projects will be assessed on a case-by-case basis. Austin Reid, the rural financial counsellor, reported that in the last 12 months the service has assisted with access to $882 000 of income support payments, $147 000 of additional professional advice, and worked with around $26 million of rural debt. Mr Reid pointed out that the region is a very productive, rich one with its land prices high. However, the need to continue to provide the service is evidenced in the 189 clients in the last 12 reporting months, about 70 per cent more than the national average.

He also pointed out that when he started in his role in 1993 he prepared a survey of the regional statistics. The statistics had given him a view of the region that he was going to work in. In the base region of the District Councils of Yankalilla, Victor Harbor, Goolwa and Strathalbyn there were just over 750 recognised farm units. After bringing in the expanded area of the Southern Adelaide Hills, the number increased to 1 500. With the now many hobby farms, the number has gone up to some 20 000. The changes witnessed in the last decade have been dramatic. As we all know, viticulture has boomed and plantings quadrupled, dairy deregulated and, with the passing of recent legislation, chicken meat has also undergone some dramatic change.

In short, the number of clients seeking assistance is significant, and I commend Mr Reid on his dedication. I should mention that the special guest speaker on the evening was Ian Doyle from Doyle Media Services, whose main topic of discussion was the River Murray and his passion to see our lifeline properly managed. Ian Doyle also brought to our attention a project he co-produced, *Source to Sea—The Story of the Murray River Boats*. The documentary records the history and restoration of the river boats, the story of steam, the hard work, the humour and the romance of the river trade in the late 1800s when several hundred paddle boats and barges opened up much of inland Australia along the Murray, Murray-Darling and Murrumbidgee rivers.

Source to Sea is a great historical resource that is now available on DVD, with the proceeds from the sale supporting the Royal Flying Doctor Service. I urge all honourable members to secure copies of this very useful resource. I wish the Fleurieu and Adelaide Hills Rural Counselling and Information Service well in its endeavours and good works.

DIMITRIA FESTIVAL

The Hon. J.F. STEFANI: Today, I wish to speak about the silver jubilee celebrations of the Dimitria Festival which was held on Saturday and Sunday 1 and 2 November 2003 at the Thebarton Oval. I was privileged to receive an invitation to attend the Dimitria Festival and to spend this special occasion with many of my friends from the South Australian Greek community. The Dimitria Festival has been staged in South Australia for 25 consecutive years and follows the Greek traditions that first began in the Byzantine period on the outskirts of the great City of Thessaloniki, the beautiful capital of Macedonia. The festival has been named in honour of the patron saint of Thessaloniki, Saint Dimitrios, who became the protector and defender of the city when the Thessalonians were converted to Christianity in the year 324 AD. The festival is closely connected to agriculture.

Saint Dimitrios is one of the most revered saints in the Greek Orthodox Church and distinguished himself both as an officer who served during the period of the Emperor, Maximian (Galerius) and as a missionary who fearlessly preached Christianity. I was privileged to visit the Basilica Saint Dimitrios where today his remains are kept in a special larnax and where I attended a special church service which was held during the Pan-Macedonian World Conference.

During my visit to Greece, I was also fortunate to visit a number of other important places from where much of ancient Greek civilisation originated. I can still vividly remember my visit to Vergina, Pella, Dion, Edessa, Florina and Kastoria, where many priceless items and treasures have been discovered. These treasures represent more than 4 000 years of ancient Greek civilisation and Hellenic culture. I will never forget my visit to Vergina, where I witnessed first-hand the identity of the ancient Macedonians and where today people from all over the world are able to visit the most remarkable tomb, which has been fully restored to its original splendour and where the remains of Philip II, King of Macedonia, were first discovered in a gold casket bearing the royal emblem, the 16-pointed star of Vergina.

The Dimitria Festival is a celebration of our diversity and the achievements of the South Australian Greek community. It provides the opportunity for all South Australians to experience the rich cultural heritage, traditions, music and hospitality that is so generous and so typical of the Greek people. The festival is a time for family and friends to participate in a wide range of activities and to celebrate many important family traditions through arts, crafts, dancing and a wonderful variety of food.

In organising the silver jubilee celebrations of the Dimitria Festival, which was attended by many people, the Pan-Macedonian Association has, once again, brought to the people of Adelaide the opportunity of sharing a very special event. The Greek community can be justly proud of its achievements and cultural heritage that is directly linked to Macedonia, the birthplace of Philip II and Alexander the Great—a place that will always remain Greek. In offering my sincere congratulations to the President, Mr Jack Paleologos, and all the members of the Pan-Macedonian Association, and in particular the Vergina Greek Women's Cultural Society, I also pay tribute to the magnificent efforts of the many dedicated volunteers and the many sponsors who have supported the Dimitria Festival since its inception. I wish them all continued success for the future.

POST SCHOOL OPTIONS EXPO

The Hon. G.E. GAGO: Today, I would like to bring to the chamber's attention the Post School Options Expo part of the Intellectual Disabilities Services Council (IDSC)

Moving On program. The Moving On program provides assistance to school leavers with an intellectual disability, requiring continued and intensive support to help them move to the next stage of their lives. This transition is facilitated by the provision of a range of day options by one of the accredited organisations or other developmental pathways on leaving school—options which are interesting, challenging and meaningful. IDSC organised the first Post School Options Service Provider Expo in 1997 as part of the Moving On program to display the range of available activities and service providers. From then until 2000 the expo concentrated solely on day options for people with intellectual disability.

The focus of the expo was expanded in 2001 and now includes a range of other services and programs, and also includes young people with other disabilities. This has resulted in the Post School Options Expo being a one-stop shop, if you like, for young people with a disability and their families and/or carers to have access to up-to-date information on various options, services and related topics. Having a one-stop shop is a much easier way for clients, current and future, as well as their families and carers, to access information on a range of services available. It is much easier for them to be able to see and collect information and talk to appropriate people directly involved in these services, and have details explained and clarified rather than trying to conduct these sorts of discussions and comparisons over the phone.

I was delighted to have the opportunity to conduct the official opening of the 2003 Post School Options Expo earlier this year on behalf of Minister Key and am very pleased to report that over 50 service providers took place. The range of services at this year's expo was fantastic. The services on display included employment, education, recreation, day options, disability information and advocacy services—even canoeing.

It was obviously important for a wide range of services to be available, ensuring that decisions made about the transition from school to adult life are well informed and are based on up-to-date information. Hopefully the expo will continue to expand and with it the expansion of equity, access and choices for young people with disabilities throughout South Australia. I would also like to make special mention of Club Slick's special rock and roll display at the launch of the Post School Options Expo. Club Slick, a rock and roll club that has in its short life already put on a number of productions, was established by the Down Syndrome Society in response to a member identified need, that need being social opportunities for young people with intellectual disabilities, social opportunities which enable them to develop skills required to engage in a range of community activities and to build their confidence and self-esteem.

The club developed as a result of the success of a production called *Slick* following in the trail of *Grease*, performed in the Burnside ballroom in 2002. The young people involved in the club participated in many ways, including being committee members of the club and dance instructors. The dancers involved in the display at the launch were absolutely fantastic, and I wish the club every success in its future endeavours. I was very pleased to have had the opportunity to be invited by one of the club's members to join them in their display of rock and roll. With a small degree of modesty, I can say that I was up to the task. I have not forgotten some of my old rock and roll manoeuvres.

The Hon. Carmel Zollo interjecting:

The Hon. G.E. GAGO: No, my mother taught me. You left yourself wide open there. It was a very enjoyable day and a lot of fun. I wish them every success in their future expos.

PILGRIM LUTHERAN CHURCH

The Hon. T.J. STEPHENS: I had the distinct pleasure and privilege last Sunday to attend the 50th anniversary celebrations of the Pilgrim Lutheran Church at Magill. Indeed, I was proud to represent the member for Morialta, Mrs Joan Hall, who had a prior engagement mentoring young people as part of Operation Flinders. Joan has a had long association with the Pilgrim Lutheran Church and was most anxious to be represented and have her very best wishes passed on on the occasion of the Pilgrim's 50th anniversary. The member for Morialta has had a long and strong interest in the very positive work being untaken by operation Flinders—a program that assists young people to be positive and take responsibility for their lives.

I will enlighten the council on some of the history and achievements the Pilgrim congregation has achieved since its inception some 50 years ago. Although the congregation as we know it was formed 50 years ago, there has been a parish in the Magill area since 1937, the first service being conducted by Pastor Edwin Wiencke. The first 13 years saw a small but highly dedicated group of worshippers attend the services. It was not until 1950 that the number of worshippers increased greatly. In 1953 the number of worshippers had grown so large that the plans for a church and formal constitution of a congregation were laid down.

At a combined meeting of the South Australian District Church Council finance committee and metropolitan mission and migrant committee on 16 March 1953 it was decided that a grant of $2 000 plus a loan for a further $2 000 be given at a low interest rate for the purpose of constructing a church. On 8 November 1953 the Lutheran worshippers at Magill constituted themselves as the Pilgrim Evangelical Lutheran Church. The leaders of the new congregation were elders Mr P.E. Sander and Mr E. Sellner, Secretary Mr Colin Thiele and Treasurer Mr E. Semmler. Messrs Fienemann and Heinrich were also members of the committee.

On 13 December 1953 the foundation stone of the original church was laid down by Pastor O.H. Adler. While much of the work was naturally undertaken by contractors, a great deal was also done by volunteer labour from members of the congregation, who donated time and gifts. The church was completed on Sunday 25 July 1954 and was also established in the same year as the Lutheran Women's Guild, which continues to operate today under the name of Pilgrim Lutheran Women's Fellowship. In 1956 it was considered that the workload was too great for the North Adelaide pastor and that a new home and mission parish should be formed with Pilgrim, Magill.

In 1957 a youth society was established and plans were prepared to build a free-standing hall at the rear of the first church building. Much of the work for this building was achieved also through voluntary labour. A proposal was put in 1959 to have tennis and netball courts built for the congregation, but this was unsuccessful. From 1962 to 1970 the congregation grew from 148 to 270 people. Sunday school grew to nearly 80 children. In 1961 the tennis and netball courts were built on Gertrude Street, Magill, and a number of junior and senior teams competed there for several decades.

At a cost of $60 000 a new church began construction in 1971 and was completed in five months. In 1981 a bell was installed, thanks to its donation by Mr Hermann Schultz. Unfortunately, the bell tower collapsed during a severe storm, but was reconstructed and rededicated in 1988. Today the church community faces a number of challenges. In my discussion with the people at the service I was saddened that, as with many community groups, there has been a great difficulty in not only attracting members but also getting new leaders to step up and bring new energy and enthusiasm to the congregation. Many of the people who were performing in the key roles 20 years ago are still in these roles today, when really there is a need for new people to come in and learn the ropes, so to speak.

I also thank Milton Pietsch of the Pilgrim Lutheran Church, Magill, who was very helpful on the day of the service and assisted me with a background history of the congregation—to him I am very grateful, as I am also to Chairman, Peter Morgan Matusch, who hosted me on the day. It is my sincere hope that congregations such as this, which are more than a church—they are a community and a family—continue to build on their very successful and proud history and continue their excellent work into the future.

De MARIA, Mr R.

The Hon. NICK XENOPHON: On Thursday 6 November I attended the funeral of Mr Romano De Maria, known as Rom to his friends. He was survived by his wife Kay, his children Vanessa, Tricia and David and numerous siblings, in particular Len De Maria who I have got to know over the years. Rom De Maria was 59 years old. He died of an asbestos-related disease. He died of mesothelioma. He worked for James Hardie Industries from 1969 to 1972. He was of great assistance to me and I got to know him very well during the debate and the eventual passage of the Statutes Amendment (Dust-related Conditions) Bill, which was first introduced into this place on 11 October 2000. I will always be grateful for his selfless assistance and the time he spent with me in terms of assisting me with material to put forward to this chamber, which I believe played an important role in having the bill passed eventually by this parliament. I was quite moved that at the funeral service his family did mention his important role in pushing for passage of this bill.

I am angry that Rom De Maria and so many others like him in the past have died needlessly because of asbestos exposure and that many thousands more will die because of asbestos exposure over the conduct of companies such as James Hardie, whose conduct, to put it mildly, has been reprehensible because they knew or at the very least ought to have known of the danger of asbestos for many years.

Mr De Maria gave to me an affidavit from a whistleblower, a Mr Peter McKay Russell, who worked for James Hardie Industries in the late 1940s until the early 1970s. Mr Russell, in his affidavit evidence, indicated that James Hardie knew, in his role as a safety officer, of the dangers of asbestos in the 1960s and possibly well before that, that there was an international symposium in 1965 in New York that set out the very clear dangers of asbestos exposure and that there was evidence going back to the 1930s where the British parliament acknowledged the risk of asbestos and it appears that that was ignored. I find it incredible that asbestos was used widely in our community as a building material in the 1970s and up until the mid-1980s in some cases as an insulation material, despite the very clear risks.

This matter will plague our community for years to come, with South Australia having one of the highest rates of asbestos exposure. An article in *The Age* of 27 April 2001 headed 'Asbestos illness striking the young', points out that there will be a new wave of asbestos exposure. Professor Douglas Henderson, a pathologist at South Australia's Flinders University, estimated that Australia will produce about 13 000 cases mesothelioma and another 30 000 to 40 000 cases of asbestos-related lung cancer by 2020. So, the worst is yet to come. It will only begin to plateau in 2020.

I find it particularly reprehensible that the fund set up by James Hardie of $300 million several years ago (we now know from the trustees of that fund) is some $800 million short. This company has behaved disgracefully in the community. It has, in effect, abandoned its responsibilities. It has now set up its head office in the Netherlands, and a recent article in *The Australian* talked about the fact that it now in a case of the 'never' Netherlands in terms of its responsibility to Australians, who have been left abandoned by this company and its despicable conduct.

Rom De Maria fought hard for the passage of this law. I salute him and his family for what they have done for passage of this law and for campaigning for the rights of asbestos victims. My undertaking to Mr De Maria's family and to all others who have suffered from asbestos diseases—and this is not over yet—is that we have an obligation in this parliament to continue to agitate for justice for asbestos victims and to hold those responsible accountable.

SPRING RACING CARNIVAL

The Hon. A.J. REDFORD: Over the past month we have witnessed an extraordinarily successful spring racing carnival in Victoria, in which South Australians played an important role. In addition, we have also seen the release of the 2002-03 annual report of the SAJC, which showed a profit of $1 million. Obviously South Australian Tony Santic deserves to be congratulated for his successful Makybe Diva in the Melbourne Cup and the rags to riches transformation over the past decade. Kerryn McEvoy and Tony Hall also deserve congratulations for their successes as well.

However, the success that touched me the most during the carnival was the winning of the Cox Plate by Fields of Omagh which is trained by Tony McEvoy. For the non-race goers in this chamber, the Cox Plate is the pre-eminent weight for age race in Australia. In other words, it is not a handicap event and it is also confined to a relatively small field. The Cox Plate has $3 million in stake money and is a race where more often than not the best horse wins. This is to be contrasted with the Melbourne Cup—a magnificent event in itself—in which the best horses are handicapped, at least in theory, and there is a much larger field leading to a greater element of luck.

Mr Tony McEvoy has now been the trainer in charge of Lindsay Park for three years, following the tragic death of Peter Hayes and, in typical Hayes fashion, he is a true gentleman and an asset to racing in this country. Following his appointment Tony has not had the best of luck. Indeed, in his emotional acceptance speech he referred to the loss of owners following his appointment, and also to those owners who have stuck with him. What is even more important is the training feat of Tony who nursed Fields of Omagh through injury earlier this year—an injury that would have caused many trainers to write off a horse's chances of racing in a spring carnival, let alone win Australia's most prestigious

race, the Cox Plate. One thing I can say about Tony is that he is a great racing figure. He is always available to his owners and he can be counted upon to give frank and open advice. He deserves all the success that the Cox Plate brings, and I hope that this will be the first of many prestigious Cox Plates and other successes. He certainly makes a lie of the statement 'nice guys come last.' Indeed, his other group one winner, Lorracha, won the South Australian Oaks and had to be nursed through very serious injuries.

Another SA success over the past couple of years has been the turnaround by the SAJC. Following, I think, 10 successive losses, the jockey club this year announced its fourth consecutive profit. While some in our community have decried the corporatisation of racing, in other words removing any direct interference in the industry by the government, and the benefits of the sale of the TAB to the racing industry, we are now starting to see a real and tangible turnaround for the racing industry. We have seen upgrades to the facilities at Morphettville and Cheltenham, an upgrade to the track at Morphettville (which is now recognised as the best in Australia) and a maintenance of stake money after a lengthy period of relative decline. Indeed, over 11 000 people attended the meeting at Morphettville on Melbourne Cup day and the contribution of the Magic millions group looks very exciting indeed.

All these achievements are due to the hard work of successive chairs, including Michael Birchall, John Murphy and Peter Lewis (who has to deny that he is the member of parliament when he meets anyone) and various committee members, including John Naffine, Bill Crabb, Judy Morton, Travis McLeay, Bob Beresford, Ron Papps, Michael Newport and the most recent member, Sharon Forrester-Jones. In addition, the hard work of the CEO, Steve Ploubidis, and others on Thoroughbred Racing SA should be acknowledged. The betting auditorium, Track-side (the new training track), Magic millions, increases in stake money, the wetlands project and an increase in membership all augur well, although there is a huge challenge in relation to the future associated with Victoria Park.

I know there were some doubters when legislation to corporatise the racing industry was presented to this parliament. In his confused three-hour contribution on the corporatisation bill in June 2000, the then member for Lee (Hon. Michael Wright) said:

> If this corporatisation goes ahead, if the model that has been put forward goes ahead and if the TAB is privatised. . . the racing industry will have to do it all on its own.

In the case of the SAJC, it has done it all on its own—something I believed would happen and something that some, including the then shadow minister for racing, did not think would happen. In the annual report, Steve Ploubidis says, 'This is a time for us to create our own growth through bold ideas and rigorous execution.' I know that there are still some significant challenges ahead and that there is not time to rest on their laurels, but the future looks much brighter for the racing industry now than it did some five or six years ago.

LINUX CONFERENCE

The Hon. IAN GILFILLAN: Members in this place may recall that I made brief mention in July of a software development conference to be held in Adelaide at the beginning of next year. Members of the open source movement from around the world will be gathering here in Adelaide to take part in this premier Linux event. The conference will be held at the University of Adelaide from Monday 12 January to Saturday 17 January 2004, and will include sessions from the most technically rarefied perspective to down-to-earth presentations on relationships between computer developers and us mere mortals. Perhaps what would be of particular interest to members of this place would be the mini conference, 'Linux and open source in government'.

Given that the IT press continues to call attention to governments in Australia lagging well behind the private sector in open source issues, this conference streams an excellent opportunity for our IT managers and developers to catch up with events in this arena. It may even be that I have a contribution to make to this segment of the conference by making reference to a bill that the Democrats have before the parliament at present. This is our opportunity to host an astonishing variety of hard-core computer professionals and to show them why we think Adelaide is the best place in Australia.

In order to give a feel for some of the members and the material being presented, I will quote some of the conference bios and abstracts. Jon 'Maddog' Hall is the Executive Director of Linux International, a non-profit association of computer vendors who wish to support and promote the Linux operating system. During his career, which spans over 30 years, Mr Hall has been a programmer, systems designer, systems administrator, product manager, technical marketing manager and educator. Jon will be presenting, 'Programmers are from Mars, users/managers/companies are from Venus' and 'A complete college curriculum using open source'.

Greg Lehey was born in Australia and went to school in Malaysia and England, before studying chemistry in Germany and chemical engineering in England. In the course of 30 years in the industry he has performed most jobs ranging from kernel development to product management, from systems programming to systems administration, from processing satellite data to programming petrol pumps, from the production of CD-ROMs of ported free software to DSP instruction set design. About the only thing he has not done is write commercial applications software. Greg will be presenting a session on Vinum.

Members would remember that I have made references in other speeches to the Samba team, which makes a suite of tools that let Linux computers play nicely with Windows computers on a network. We are very fortunate to have a core member of that team here for the conference. Andrew 'Tridge' Tridgell is a member of the Samba team and a research staff member of the IBM Almaden Research Centre. Andrew is best known for his work on Samba, but he also likes to dabble in lots of other fun bits of code ranging from TiVo hacking to rsync and chess programs. Andrew will be presenting, 'A tour of my junk code directory'. These are just three examples from a host of major developers and spokespeople from open source around the world.

Members and staff who are interested in more information about this major event would be advised to visit the internet site lca2004.linux.org.au where they will be able to find a veritable treasure trove of information about the speakers, abstracts of their papers and the conference programs. Please note that this internet address is not prefixed by the ubiquitous www, as those three letters in this case will prevent you from finding the site. This conference brings Adelaide back into the international spotlight, not for car races or parties but as a home for intellectual might in a growing new industry. This growth area is one that we are ideally suited to exploit

and I strongly recommend that members of this place start taking advice on the possibilities of open source software and Linux. Perhaps it would be appropriate to find out whether departmental staff have been identified to participate in some of these sessions. This is an opportunity that should not be ignored. Linux.conf.au 2004 is an opportunity for South Australia to shine.

STATUTES AMENDMENT (GAMES AND APPEALS) BILL

The Hon. NICK XENOPHON obtained leave and introduced a bill for an act to amend the Gaming Machines Act. Read a first time.

The Hon. NICK XENOPHON: I move:

That this bill be now read a second time.

In the current Gaming Machines Act and the Casino Act, there are provisions that relate to the approval of gaming machines and games. I will reflect on the provisions in the Gaming Machines Act. Section 40 mirrors the Casino Act provisions, and section 40(1) provides:

The Commissioner may, by application by a person, approve particular gaming machines, or particular games, to be of a class that is approved for the purposes of this Act.

Subsection (2) provides:

In determining an application for approval of a game, the Commissioner must have regard to any guidelines issued by the Authority to the Commissioner for the purpose of assessing whether a game is likely to lead to an exacerbation of problem gambling.

'Authority' refers to the Independent Gambling Authority. Subsection (3) of section 40 states:

If the Commissioner is of the opinion that the game the subject of the application is likely to lead to an exacerbation of problem gambling, the Commissioner must refuse the application.

Last year, I appeared in a case in relation to approval for a new game by IGT Gaming Machines (it was the first of its type), and the Commissioner handed down a decision on 30 October 2002. Notwithstanding that I called various experts on problem gambling, the game was approved. However, I think that it is important to read onto the record what the commissioner said in his decision. At page 10, he stated:

In approving both features I am conscious of the difficulty I and the objector No Pokies Campaign Inc have had. Mr Xenophon for No Pokies Campaign Inc argues that in the absence of any expert evidence from the applicants the proposed features will not be likely to lead to an exacerbation in problem gambling I should accept the expert evidence of Dr Battersby, Mr Tolchard and Dr Delfabbro. To a great extent I have but I suspect that in the absence of relevant research they along with I have made assumptions about the extent of the impact of these features. That is not to say that the concepts and models are not valid—I think they are, it is just that I am limited by the wording in section 40(3).

Indeed, many of the arguments relating to reinforcement schedules and the impact on gamblers' behaviour apply to existing games and features and not just to the two features which are the subject of this application.

It seems to me that I and any objector are at a disadvantage in having either to demonstrate or determine that a game is likely to lead to an exacerbation of problem gambling. For an objector this is even more difficult because often the objector is not privy to the technical specifications of the game.

It might be that this section should be reviewed. Even if the tests of 'likely' and 'problem gambling' are retained it might be desirable to place the onus on the applicant to satisfy the Commissioner of such evidence as the Commissioner may require that the game is unlikely to lead to an exacerbation in problem gambling. This is a similar test to section 15(4) of the Act.

The commissioner went on to say that, because of the wording of the legislation and because of the matters before him, he had to approve the games. However, it would be fair to say that the commissioner did express some concern about the current wording of the legislation and the difficulties that any objector would face. Given that this section was implemented as part of a package of reforms in 2001 to minimise levels of problem gambling in the community, I think that it is important that this parliament give full intent, now that we know what the problems are, in order to minimise levels of problem gambling in terms of any new games.

I want to make clear that the level of gambling addiction from poker machines in the community is already unacceptably high. In excess of some 20 000 South Australians have a problem because of poker machines. The Productivity Commission pointed out that, on average, seven people can be affected by one problem gambler, so this is a significant social problem. The aim of this legislation was, in effect, to put a stop to new, more voracious machines, because the existing machines are bad enough. The existing levels of gambling addiction and problem gambling in the community are bad enough.

This amending legislation in respect of games for which approval is being sought, at the casino and in gaming machine venues in hotels and clubs in the state, makes clear that the test is that it is unlikely to lead to an exacerbation in problem gambling, rather than the test in the legislation. The commissioner has alluded to the difficulties in relation to that.

That is one part of the legislation. The other part relates to the whole issue of advertising. At the moment, there is a discretion on the part of the commissioner as to whether or not he advertises certain games. Clearly, it is a difficult role for him. This legislation proposes that all new casino games or games for hotels and clubs must be advertised so that members of the public and interested parties are aware—whether it be me or others, such as the Heads of Churches Gambling Task Force, the Wesley Uniting Care Mission—which is also concerned about problem gambling, as it has been for a number of years, and may want an opportunity to appeal—or academics and researchers in this field. It gives an opportunity for people concerned about levels of problem gambling to ensure that these new machines are put to the test. Some honourable members may have seen recently the advertisement for the Adelaide Casino's new game—the Austin Powers machine—and that—

The Hon. T.G. Roberts: Yeah, baby!

The Hon. NICK XENOPHON: The Hon. Mr Roberts I think said, 'Yeah, baby!' I think that the aim of this legislation is to make it a case of 'Nah, baby!' and to at least give the community a say about these sorts of machines. At the moment, there is no guarantee that there will be advertisements for these games to test whether they will lead to an increase in problem gambling or, at the very least, the proposed test in this legislation—to ensure that they are not likely to cause an increase in levels of problem gambling. The Austin Powers machine concerns me, because there is concern amongst gambling researchers that such games can exacerbate levels of problem gambling. By using Hollywood-style entertainment themes, they can particularly draw in younger people to poker machines who hitherto would not have been drawn in.

I am grateful for the independent advice of Dr Paul Delfabbro from the University of Adelaide's Department of Psychology. Dr Delfabbro is well respected nationally and, indeed, internationally for his work and research. He undertook research work for the Department of Human Services in the previous government and has undertaken gambling related research for the Independent Gambling Authority. He is well known for his thoroughness of methodology and his impartiality. He has said that games such as the Austin Powers game are aimed at a new generation of young players who have grown up playing video games and that themed games can take more money than those machines with just speed and flashing lights.

Dr Delfabbro has pointed to overseas' trends which revealed that machines were aimed at a younger audience with a higher risk of problem gambling. He also expected more moviemakers to use pokies to market their films, particularly those which had a magic element. In an article last Sunday by Craig Clarke in *The Sunday Mail*, Dr Delfabbro is quoted as saying that eventually we might see Harry Potter machines or Lord of the Rings machines. That obviously is an area of concern in terms of a younger demographic, and younger people may be brought into the casino by games that could well exacerbate levels of problem gambling.

I referred to the guidelines that the authority may approve. I should put on the record that, as at June 2003, the Independent Gambling Authority set out guidelines for games that came into operation on 1 July 2003. It sets out game characteristics tending to an exacerbation; various technical issues with respect to the linearity of games; the illusion of control; the paid-for feature games; and metamorphic features. I refer to clause three of those guidelines, the heading of which is 'Assessment of New Characteristics'. It states:

> If a proposed game has a feature or characteristic which is new, or which causes the proposed game to differ materially from the games already approved at the time the application or approval is made, the Liquor and Gambling Commissioner should require the applicant to provide a responsible gambling impact analysis of the game and the role of the feature or characteristic.

Clearly, the Austin Powers type games, those with a movie theme and aimed at younger players, could well fall within the guidelines of the Independent Gambling Authority. This legislation does not put a stop to new games. However, where there is new, independent and objective evidence from researchers, psychologists, psychiatrists and those at the front line of dealing with problem gambling, there ought to be a mechanism in place for the public to express their objections. That is what this bill is about. It picks up on the concerns expressed by the Liquor and Gambling Commissioner in his judgement of the IGT decision. In relation to that case, there is currently before the Supreme Court a jurisdictional question about where lies the right of appeal.

His Honour Justice Mulligan heard argument on that a number of weeks ago and we are awaiting a decision as to what the rights of appeal are. It is not appropriate, I believe, for me to comment further, other than to say there is some conjecture before the courts at the moment as to whether there is a right of appeal beyond the Liquor and Gambling Commissioner. That is the point that IGT (Australia), a significant gaming manufacturer in this country, has expended a great deal of money on arguing in the Supreme Court. I await the Supreme Court's decision with great interest.

This is not a radical measure. It picks up on comments made by the Liquor and Gambling Commissioner and it reflects the original intent of the legislation to ensure there are adequate safeguards to new games. Independent researchers, such as Paul Delfabbro, express concern about these new types of games that target young people. The Independent Gambling Authority has guidelines in place which provide a benchmark for the commissioner to consider these matters. I urge honourable members to support this legislation as it will, at least, give the public a say about new machines. It provides safeguards to ensure that new machines which could exacerbate levels of problem gambling can be stopped. It puts the onus on them—quite properly, given the huge advantage enjoyed by the gambling industry and poker machine manufacturers, with all their technical knowledge including, presumably, their research and psychological research—to show that any new machine will not worsen already unacceptably high levels of problem gambling in the community. I commend the bill to honourable members.

The Hon. R.K. SNEATH secured the adjournment of the debate.

STATUTORY AUTHORITIES REVIEW COMMITTEE: SOUTH AUSTRALIAN HOUSING TRUST

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

> That the report of the committee on an Inquiry into the South Australian Housing Trust be noted.

On 22 August 2002, on a motion by the Hon. Nick Xenophon MLC, the Statutory Authorities Review Committee received a request from the Legislative Council to inquire into the policies and practices of the South Australian Housing Trust in relation to dealing with difficult and disruptive tenants. The committee decided to conduct an inquiry into the Housing Trust, and the terms of reference reflected the initial motion. The committee advertised for written submissions prior to inviting witnesses to give verbal evidence to the committee. Advertisements were placed in South Australian newspapers in September 2002, and 97 written submissions were received by the extended closing date of 31 March 2003.

The inquiry attracted more than average media and public interest. The first hearing was conducted before approximately 50 people. It also took evidence from more than 50 other witnesses between 6 March and 1 July 2003. Witnesses were drawn from a wide range of backgrounds and expertise including social services, public services and the police. Members of the public included trust tenants and private residents. The committee received the majority of evidence at Parliament House, Adelaide. It also travelled to Murray Bridge, Port Augusta, Port Pirie and Whyalla.

The committee believes that the South Australian public housing system has changed dramatically in recent years due to the shift in commonwealth and state funding for public housing. The trust's services reflect these changes where emphasis is now on emergency housing for underprivileged members of the community. This has led to there being many people in trust homes who are single parents, are suffering from mental illness, are chronically unemployed or are dependent on other social services.

During the hearing of evidence from residents of the Housing Trust, the committee was not always hearing convincing evidence that these people were suffering problems or not, to the extent that, whether it be in a courthouse or in front of parliamentary committees, some witnesses may be exaggerating or playing things down.

With that in mind, on two occasions, I, as chairman of the committee, and my research officer, decided to visit two of the witnesses at their premises to ascertain whether, in fact, it was as bad as we were told. I assure you it is not easy to just pop out to somebody's place during the day and witness a disruptive tenant in action. No doubt, in some cases, they would not perform every day on every hour of the day. On asking one witness when it would be a good time to visit to see at first-hand the performance by the neighbour, this witness said, 'Any time; he performs all year round, hourly.' So we dropped in. It was not long—we were there for about five minutes—before this neighbour started his performance. How this trust tenant has lived in the vicinity of this neighbour for some years without belting them in the head with a baseball bat, at least, is beyond me.

The PRESIDENT: Or some other statesman like solution!

The Hon. R.K. SNEATH: I think the statesman like stuff had already been tried. I think that, after five years, even you, Mr President, would lose your patience with such a neighbour. I know that I certainly would. The walls adjoined. This woman—this elderly woman, I might add—had suffered this treatment for a number of years. When we came back from that visit we invited the trust to look at the situation. Of course, the tenant had also invited the trust on a number of occasions. I am pleased to say that, some six months after her approaching the trust, it has removed the disruptive neighbour. I do not know whether he has been thrust upon some other poor resident in the area. It has happened in other cases that the disruptive tenant has been moved only to disrupt some other people in some other area. I know that there is some empty housing at Kingoonya.

The Hon. D.W. Ridgway: That is out in the bush.

The Hon. R.K. SNEATH: That is in the bush. The honourable member says that it is in the bush. He might know where it is. If he does not know, I can tell him. I know that there are some empty houses at Kingoonya. I think that some of these repeat offenders who make their neighbours' lives a misery could be given a map and shown how to get there. Following the inquiry, which was long and exhausting for the committee members as well as some people in the public gallery who fronted up most times the committee met, 33 recommendations were made.

It is a long report of the evidence that was taken and some of the statements that were made by people. The report comprises nearly 200 pages and 33 recommendations. I will not read the whole 200 pages into *Hansard*, but I am sure that all those interested will take the time to read it. I do want to read some of the recommendations into *Hansard* and elaborate on them, because I think they are very important. Many of these recommendations can be adopted by the trust without legislative change. They do not need the government or the minister to change a lot of things.

Many of these recommendations can be applied by the trust under its current policy. A few of the recommendations would require legislative change. The recommendations are there to try to make the job of the trust easier to manage disruptive tenants and to make the life of trust residents suffering at the hands of disruptive tenants a lot more pleasurable. The committee recommended that the trust, as part of its future service delivery program, employ additional staff in each regional office to specialise in difficult and disruptive tenancy situations.

Disruptive tenants represent a small percentage of residents in trust areas. We have to say that 98 per cent of trust tenants are very good tenants and realise how privileged they are to have a house for low rental that suits their needs. It does require a special staff to handle a disruptive tenant. We also recommend that the trust conduct retraining for staff with respect to difficult and disruptive tenant policies so that they better understand what they can do and how better they can police it.

The committee also recommends that the trust review the hand-over procedures between trust staff—particularly housing managers—to ensure their effectiveness and proper implementation, and that housing managers undergo mandatory training in mediation and skills for dealing with difficult situations. If the trust is to handle this problem in the way that it should be handled, the staff needs to be better trained. You cannot expect people to walk in off the street and get a job as a housing manager and be able to handle situations that, in some cases, can be very dangerous.

Another recommendation provides that management systems be improved to ensure that staff adhere to policy, including the use of better complaint recording mechanisms and monitoring, and that the trust ensure that eviction is pursued by staff in strict accordance with the stated policies. We found that the trust already has existing policies under which it could better handle disruptive tenants, but they have not been utilised to their full capacity, which is a pity. Encouraging better training would enable, we think, housing managers and those people in those roles to better handle that situation.

The difficulty in gaining eviction for disruption should not be a factor in determining whether the trust should seek eviction when it believes eviction is warranted on the basis of a tenant's behaviour. You can give people only so many chances. The trust should play a more proactive role in tribunal hearings, initiated by neighbours, by providing all relevant information available to it to the tribunal member as a matter of policy in tribunal hearings. One of the problems with the RBT (Residential Tenancies Tribunal) is that, normally, it is the case that the good tenant has to make the running. Behind some of these recommendations relating to the Residential Tenancies Tribunal is the theory that when the trust decides to evict a person for not paying their rent the trust goes along to the tribunal and argues the case and, in most cases, unless that rent is immediately paid the person is evicted.

That does not seem to be working that way in the situation of the disruptive tenant. We say that the person who is making life a misery for their neighbour should have to go before the tribunal. They should have to make application to defend their right to stay in a house rather than the good neighbour going to the tribunal to have that person removed. They have to identify themselves, front up to some big bully-looking character and put evidence before the tribunal, which, at the end of the day, stops these people going to the tribunal.

The committee recommended that the difficult and disruptive tenants policy be modified to integrate it fully with the new module being added to homes, including standardised policies for recording data on the system; that the difficult and disruptive tenants policy be amended to promote early intervention in disputes in order to maximise the chance of a successful outcome. They are both important recommendations. Recommendation 12 suggests that tenants evicted for disruption not be rehoused or assisted for a period of 12 months. Exceptions may be granted only in extreme cases and only with the approval of the General Manager. If disruption

continues after a transfer for disruption, eviction must be sought.

The trust's priority should be to remove or evict a disruptive tenant recognising, however, that in some cases a non-disruptive tenant will be transferred. The trust will incorporate measures to lessen the impact on a tenant transferred as a result of disruptive tenant behaviour who is not the disruptive party, such as offering greater choice of accommodation. In the past, when a person was abused for four or five years and they had a house in which they lived and which they liked, the trust asked the good tenant to move rather than asking the disruptive tenant to vacate the premises next door.

The trust puts pressure on the good tenant so that, at their expense, the good tenant has to shift their furniture and move somewhere that might not be as comfortable, or take their chance of moving to another area where there is also disruption rather than moving the disruptive tenant. That does not happen in all cases but, in many cases, to solve the problem the good tenant has made the move.

The committee recommends that the trust policy be changed to make a deduction of rent from salary, or similar payment, compulsory and a condition of tenancy in certain circumstances. That is to help overcome the problem of this $14 million that the trust is owed for unpaid rent, and that would greatly lessen the amount of outstanding rent at the end of any financial year.

One of the other problems that the committee saw that the trust had was collecting data as to what makes a disruptive tenant. Is a disruptive tenant a person with a criminal record? Is a disruptive tenant a person who came from a one parent family? Is it a person who came from a rich family or a person who came from a poor family, or is it just an ordinary person who became disruptive? Is it a person who takes drugs or a person with a mental illness? We do not know. The trust does not know, because the trust does not keep that sort of data on the tenants who are disruptive.

It does not keep records of people it has had to cancel or talk to about disruptive behaviour. It does not keep that on file. It does keep some data, but it does not have anything that the housing managers can produce to the tribunal as records of people's past history. The trust does not ask for any criminal records, for example, when people make applications for housing. It does not agree that it should, although some people would say that, if you commit a crime where you get a criminal record, that is part of the punishment. But the trust does not ask for any of that. In fact, the trust would not know that it was housing a paedophile, for example, within two blocks of a school. It would not know, because it does not keep that sort of record. I find that pretty hard to fathom.

It does not keep enough data to house people appropriately. It does not seem to look at what is relevant when housing young people, for example. You would not stick a 19 or 20 year old in the middle of 40 units that were occupied totally by aged people, for example. It would not be fair on any party. So, there has to be more data kept and more management skills in that area to know where to house people of a particular age and where to house people with particular illnesses. The trust does look at people in wheelchairs and has good housing for people with disabilities in that sense, but there are some aged people who have trouble managing stairs but who are living upstairs and have a flight of stairs to negotiate a few times a day.

We also recommend the establishment of a centralised complaint lodgement hotline that people can ring while retaining their privacy. We recommend that the trust introduce as policy a specific time frame in which all complaints will be investigated, and that the preliminary outcomes of that investigation be reported to the tenants in writing. That is very important. The feedback to the complaining residents has been very slow and sometimes non-existent. We recommend that the Residential Tenancies Act 1995 be amended to allow more enforcement options in section 90 hearings, such as the ability of the trust or the Residential Tenancies Tribunal to issue antisocial behaviour orders. That is very important.

We also recommend that the Residential Tenancies Tribunal investigate the efficiency of and options to formalise and standardise the use of professional witnesses or sworn statements or similar in evidence to the tribunal. It is very hard for a complaining tenant to go to the tribunal. They are not encouraged or, in most cases, allowed to bring representation. They have to present their own case and give their own evidence. Mr President, put yourself in the position of some of our elderly people who are living in fear of their neighbour, who go along to the tribunal to give evidence against a 35 year old gorilla-looking bully and who have to say that this man is making their life a misery, is threatening them and is throwing all sorts of rubbish in their yard continually, banging on their walls, swearing and cursing at them. It is not going to happen. People will not go.

That is why they are not putting their case to the tribunal. The people they are complaining about are in the tribunal at the time they are putting their case. We are saying that they should have representation; not necessarily lawyers but perhaps friends who can put a case over, or someone to represent them from the trust, even, would be an improvement. Their privacy should be kept, and the person they are complaining against could answer those allegations on hearing them from the tribunal. If you go back to one of the recommendations that we made, if the arm swings around as we would like to see, then the tenant who has caused the disruption would have to make application to the tribunal to stop their removal from the house.

It would make it a lot easier on the good tenant, the neighbour who is being disrupted, if that tenant was given an eviction notice by the trust that said 'You're out: you can appeal to the tribunal,' and not the other way around as occurs these days. That is a very important point that we have to look at fixing up. We recommend that the Residential Tenancy Act 1995 be amended—and this has caused a bit of debate since the report came out—to permit the trust to implement a three strikes policy. You, Mr President, would be familiar with this. It is a policy which exists in the workplace and which is held by the Industrial Relations Commission as a policy that normally results in the worker being dismissed.

What the committee is talking about here is based on a similar happening in industrial relations in the workplace: a disruptive tenant gets a verbal warning and a second written warning. If there is no improvement after that, they are given a third warning and then they are out. They can be evicted from the property. The committee has not done this to throw people out on the street. The committee hopes that this works the other way—that this gets through to some of these numbskulls who are making life a misery for others and that after the first or second warning—and they are shown policy that says three strikes and you are out—they start to pull their

head in and become better neighbours, and they stay in the house because they have realised that they have a house to live in.

There are 25 000 other South Australians on the waiting list—25 000 people in South Australia who want a Housing Trust home—yet we tolerate these characters making people's lives a misery. So, we are saying 'Three strikes, bingo: Kingoonya. Away you go!' Of those 25 000 people on the waiting list, no doubt 98 per cent would make wonderful neighbours and good tenants. So, we are saying, 'Kingoonya for you: one of the 25 000 will take your place after three strikes.'

The committee hopes that, after one or two warnings, that person will become a decent neighbour and will behave like neighbours should. They should either mind their own business and stop the abuse or turn right around—and that is what we would like to see—and become a good and friendly neighbour. If it works that way, we will be happy. However, if some have to be thrown in the street and packed off to Kingoonya or somewhere else, so be it, as long as the neighbour who has suffered at the hands of some neighbour for a number of years can live the rest of their life in peace.

With regard to support service and mental health, one of the important things that came out of the evidence—and the committee was concerned about this—was that the conditions of tenancy should be enforced in the same manner for all tenants and that the trust should develop protocols for dealing with customers with a mental illness. The trust has housed a number of people with mental illnesses. One of the difficulties the trust faces is the ongoing role the other institutions play and the information exchanged between the relevant institutions—or the lack of it. This is very important. It might be fine for a mental institution to say to the trust, 'This person should be housed.'

However, once it says that, it has a role to play closely with the trust, with the police force and others. We took evidence from the police, and the number of call outs they get into trust areas is very high. All those people do not exchange enough information with one another, and that is a pity. Of course, it is probably relevant amongst some other government departments, as well. We have to improve that exchange of information so that the trust knows exactly what sort of illness the person to whom it is giving a house has. It has to make sure that they are taking their medication, and it has to be told if people are refusing to take their medication. When someone signs up for a Housing Trust dwelling, one of the conditions is that they agree to take medication for X amount. However, once they get the house, some of them change their minds about that.

So, those people have to be watched by the institutions that placed them in the house, and that is done at the expense of the Housing Trust. All those institutions involved have to work harder to support the person who has a mental illness. There is no way that the committee is saying that a lot of mentally ill people should not be housed and should not have houses. Of course, the committee would say that some would be better off being institutionalised. There are others that can have housing. They should be monitored properly, with the trust being better informed of their condition and as to whether they are taking their pills. The client supports are made on a conditional tenancy in some instances and can be removed only with the agreement of the tenant and the trust in consultation with the tenant's support agency. That is the agency that has a better liaison with the trust. Also, it is recommended that the minister investigate as a priority the availability of specialist housing or supported accommodation for those who are unable to live independently and in harmony with their neighbours. That is another very important recommendation of the report.

We touched on the safety of trust staff, which should be a priority. Some of the trust staff and the housing managers in particular are called to very volatile exchanges and face dangerous situations. The trust vehicles are fitted with a government numberplate that can be identified by some of these irate people when they pull up, and the abuse can start. There is a recommendation for private plates to be fitted to improve the safety of staff. The current set of key performance indicators should be reviewed and the measurable KPI for dealing with difficult and disruptive tenants' complaints should be added. It is recommended that the Minister for Housing pursue avenues to improve the availability of mediation services to trust clients in regional areas and conduct a controlled trial of universal housing needs assessment.

We also recommend that, as a priority and within 12 months, the ministers responsible for the South Australian Housing Trust Mental Health Family and Youth Services Community Mediation Services and the police adopt a MOU between these agencies—and I have talked about this—to require the exchange of relevant information, to assist in the efficiencies and proper execution of each agency's duties. If that were done, it would make the trust's job in particular a lot easier.

The committee has also asked that the trust in 12 months report back to the committee so we can have a look at the progress that has been made and what recommendations, if any, have been implemented into the trust's new policies, and provide the committee with data on improvements to the manner in which disruption is being managed. Since this inquiry began, to the credit of the Housing Trust, it has already implemented some measures that came out of evidence before the committee's recommendations were made. The trust has already started a new policy, and we have seen some changes made. That is to the trust's credit, because the trust had somebody sitting in every day the committee met, taking notes. That resulted in some of these measures being implemented.

The trust has been really caught in a policy lag. Its difficult and disruptive tenants' policy—at least in part—has not kept pace with the changing role of the trust. The policy was initially introduced in July 1991 in response to a small number of tenants who, through their bad behaviour, did not meet their conditions of tenancy, and has been updated as required since. However, under the current policy framework, the trust is far more likely to house people who may become disruptive tenants. The committee realises that the trust plays a broader role than simply housing clients, and its efforts to maintain tenancies are commendable. However, the trust needs to be alert to the needs of all its clients. The balance between the rights of tenants abiding by the conditions of tenancy and those who are not needs to be carefully managed.

The committee has recommended a more forceful approach to managing disruptive tenants. It has also recommended several measures which are punitive in nature. These measures are not necessarily intended to raise the rate of evictions for disruption, as I said. Their primary purpose is to provide a credible threat of eviction by giving tenants clear guidelines about the consequences which will flow from their behaviour. This is lacking in the current policy. It is hoped that this will encourage a change in behaviour, as I said,

although the committee accepts that increased rates of eviction may result. However, the committee anticipates that the changes recommended will assist the trust in its efforts to maintain tenancies.

The rules and the conditions of tenancies should be enforced. They are in place for good reasons. Certainly, the trust should be encouraged, along with other support agencies, to do all that is possible to maintain tenancies. However, if a tenant is not willing to abide by the basic standards expected and wants to make their neighbour's life a misery, as I said, there are another 25 000 on the waiting list. In a climate of limited financial resources, high demand, low vacancies and a need to house with urgency, there is no place for tenants who wilfully disregard their neighbours and the conditions of their tenancy.

The committee also recommended an investigation into possible changes to the Residential Tenancies Act 1995, which would allow the trust to issue notices of eviction more quickly and easily. The South Australian Housing Trust is a great organisation with a noble aim and an outstanding and proud history. It is now facing operational and financial realities that are not entirely of its own making. These realities will force a change in culture within the trust. However, the committee would not want to see the trust abandon its proud heritage. It remains an organisation built on a unique mix of business, charity and sentiment. Its challenge for the future is to ensure that its policies and practices reflect this mix by protecting the rights of all tenants.

In conclusion, after extensive research and analysis of the issues raised by many submissions, both verbal and written, the committee believes the trust has been slow to adjust to these substantial changes over the years. It was believed that the trust policy of making every effort to maintain tenancy and leases for tenants may be a contributing factor when dealing with difficult and disruptive tenants. A great deal of evidence suggests that for some people their disadvantaged background contributes to the problems of disruptive behaviour. The policies currently in place to deal with difficult and disruptive behaviour make it difficult for the trust to deal decisively with severe problems.

The committee believes that the trust's exclusion from section 65 of the Residential Tenancies Act of 1995 is not consistent with interstate legislation. That is something the committee will look at in 12 months and it will decide whether to make a recommendation that the trust should be held accountable under section 65, as applies to private landlords and to the trust in other states, but does not hold any water here. The committee believes that public housing that has a significant subsidy for the majority of tenants is a privilege and behaviour that is difficult and disruptive for neighbours, either trust tenants or private residents, is an abuse of this privilege that cannot be condoned. Even if we had 25 people instead of 25 000 on the waiting list, it is not fair to the 25 or to the 25 000 that you have somebody wreck the house, make the neighbours' lives a misery and yet still live in it, while other people are living in their cars in this city. Some are living in accommodation with no running water and have their names down for Housing Trust homes. Yet we have these bloody idiots in there who have been there for years—

The Hon. R.I. Lucas interjecting:

The Hon. R.K. SNEATH: —who are not put out to give the chance for one of the other 25 000 to go in. I could take the Hon. Mr Lucas out to hear what some of these people are calling their neighbours who have been there for five years without being moved. I could take him out in the big wide world and show him some disruptive tenants.

The PRESIDENT: It is the responsibility of all members to maintain the protocols of the council.

The Hon. R.K. SNEATH: It considers that the system that employs the 'three strikes and you are out' for disruptive tenants would contribute greater adherence to the conditions of tenancy. Along with the many recommendations made by the inquiry it was observed that the current internal review and the appointment of Mr Malcolm Downie as the new general manager are steps in the right direction. The committee will recall the trust in 12 months to look at what has been implemented.

On behalf of the committee I also take the opportunity to thank all those who made written submissions or gave verbal evidence to the inquiry, and for their cooperation and assistance regarding requests for further information. Members of the committee and staff would also like to thank Mary, who represented the trust at all our meetings. We thank her for her outstanding patience and understanding of the many requests made of her for further information or clarification. As the chair of the committee I take the opportunity to thank all other members for their interest and commitment to what has been at times a pretty hard task.

I also thank the staff assisting the committee in their deliberations: Mr Tim Ryan, Research Officer, for his tireless endeavours to ensure a first-class report; Mr Gareth Hickery, for his organisation and administration of the inquiry; and, Cynthia Gray, Administration Assistant, for her assistance and support to the committee; and, other staff throughout the inquiry.

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

TOBACCO PRODUCTS REGULATION (CLEAN AIR ZONES) AMENDMENT BILL

The Hon. SANDRA KANCK obtained leave and introduced a bill for an act to amend the Tobacco Products Regulation Act 1997. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

World over, communities are saying 'enough is enough' to tobacco smoking infringing on their lives, their health and their fresh air. Eighty per cent of South Australians are non-smokers, yet we are daily exposed to the poisons emitted by the smoky minority. Our rights as citizens to breath clean air is being impinged upon by the smokers who are apparently free to pollute the air space. Today I have presented a bill to this parliament to rectify part of the problem. This bill will make it an offence for smokers to light up in areas where children are likely to be unwitting victims of side-stream smoke.

In particular, the Democrats are singling out the route of Adelaide's annual Christmas pageant, within three metres of a bus stop, at the Wayville Showgrounds for the duration of the Royal Show and, by regulation, various other localities where children are present as being those areas in which people will not be able to light up their cigarettes. Laws alter to suit the time in which we live. For example, people have now accepted the changed conditions regarding backyard burning. It is now an outlawed practice, yet not so many years ago it was commonplace to see people sweeping up leaves in

their gutters and setting them alight in our streets. We have moved on from that because we now recognise that it is a form of pollution. So should we also when it comes to the side-stream smoke from tobacco smoking.

Cigarette smoke has been tolerated for many years by people who were offended and inconvenienced by it—sometimes in ignorance and sometimes out of politeness. Now that unequivocal medical evidence has shown that exposure to side-stream or environmental tobacco smoke does affect the health of non-smokers, we as legislators must take action. As recently as 1985 in Adelaide our largest maternity hospital allowed smoking. It took place in designated smoking rooms, but there was no separate airconditioning and the vents came directly into wards where pregnant women and new mothers and babies were present. We would not tolerate this today because we have become more aware of the damage which can be inflicted by environmental tobacco smoke. Over the last two decades legislators at state and federal level have taken action to stop the smoking of tobacco products in planes, buses, lifts, and so on.

Giving children a good start in life is one of the most important investments for the future that any society can make. We focus on the health and wellbeing of the mother and the newborn baby because we see it as an opportunity to nurture this new life and to ensure that their environment is the best we can offer. Where parents have control of the environment they are able to prevent others smoking near their baby, and in many homes it has become commonplace to see people go outside their house to smoke. But where parents do not have control of the environment there is nothing to stop smokers lighting up a cigarette right next to a children's playground in a local park with children playing nearby. The only protection that is available to vulnerable children at play is the commonsense of adults in the vicinity.

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

The Hon. SANDRA KANCK: This bill seeks to ensure protection from environmental tobacco smoke and to provide further protection from exposure to the negative impact of role model behaviour of smokers lighting up in front of children. I am sure that members will recall from their own childhood days the experience and the joy of dressing up, and many kindergartens have a home corner or a dress-up corner, where preschoolers work very hard at emulating their parents.

Children learn by observation. They learn to pretend that they are driving a car, or placating a baby, or cooking a meal, or ironing a shirt. Actions that we take in front of our children are all potentially models of behaviour to them. Smoking a pipe, a cigarette, or a cigar, is seen as an adult thing to do. The mannerisms that accompany the smoking are an exquisite set of body language movements which even very young children will copy.

It is not uncommon to see a child digging around in a park, or on the beach, and come up with a discarded cigarette butt and pretend to have a long, deep drag on it. Of course, if you have younger children and they find these cigarette butts, it does not take long before they go into their mouth if the parents are not around to stop it happening. These are all examples of a situation that we should not allow to continue. Removing smoking from some of the major areas where children are most likely to be working—and, after all, play is children's work and is how they learn to make sense of and master the world—makes a great deal of sense. My bill envisages that, by regulation-making powers, children would be able to be protected from sidestream smoke in playgrounds.

Members will recall the kerfuffle over the introduction of smoke-free dining legislation some years ago and the doom and gloom merchants who predicted that banning smoking in restaurants would spell the end of South Australia's fine food and wine reputation. Instead, we have seen an increase in restaurant patronage and a broad acceptance from smokers and non-smokers alike that smoke-free dining makes sense for everyone.

The practicality is that cigarettes do cause harm to those who choose to smoke them, and that remains a choice for them. But those who do not make that choice find themselves caught in the sidestream of environmental tobacco smoke and affected by the chemical cocktail emanating from smokers who are feeding their habit. The provisions in this bill seek to protect the non-smokers, particularly children. The rights of non-smokers to breathe clean air must have a higher priority than smokers' rights to damage their own health. The right to clean air can be upheld only by curtailing the locations where smoking is permitted.

Following the Credit Union Christmas Pageant last Saturday, I had a call from a grandmother who accompanied her daughter, her five-year old grand-daughter and nine week-old grandchild to the pageant. She said that within a few minutes of getting settled on King William Street to view the pageant a woman came along, cigarette in hand, followed by the rest of her posse of around seven adults and five children.

Those adults smoked throughout the pageant, greatly diminishing the amenity for others, including this woman and her family, who had to endure other people's cigarette smoke. Her daughter had to move away from the pageant to breast-feed her nine-week-old baby, because it was too smoky for her to be comfortable.

The pageant is one specific event where children would be protected from cigarette smoke if this legislation is passed. The government would also, from time to time, be able to gazette other one-off sporting and cultural events to be covered by this measure. This is groundbreaking legislation for South Australia but, lest members fear going it alone, I can reassure them that similar initiatives are happening elsewhere.

Earlier this year, Launceston council in Tasmania banned all smoking at council-owned premises and venues. In Sydney, the Liverpool and Hawkesbury councils are planning to introduce 10-metre smoking exclusion zones around their playgrounds and council-run sporting venues. In California, smoking is banned at the Los Angeles Zoo and all areas of Beverly Hills parks, plus some picnic areas and playing areas.

As a state, South Australia could be leading the way in this nation. Breathing clean air must surely be a fundamental human right. In supporting this bill, members will be showing commitment to preventative health. I seek the support of members to pass this bill to facilitate the ongoing social reform that is necessary to protect our community from the health effects of tobacco smoke. With the knowledge we now have about the health effects of tobacco smoking, we cannot stand idly by and allow our children's health to be compromised. This is a simple, cost-effective way of giving children—our children—a better start in life.

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

DIGNITY IN DYING BILL

The Hon. SANDRA KANCK: I move:

That the Dignity in Dying Bill be restored to the *Notice Paper* as a lapsed bill, pursuant to section 57 of the Constitution Act 1934.

Motion carried.

ENVIRONMENT PROTECTION (PLASTIC SHOPPING BAGS) AMENDMENT BILL

The Hon. SANDRA KANCK introduced a bill for an act to amend the Environment Protection Act 1993. Read a first time.

The Hon. SANDRA KANCK: I move:

That this bill be now read a second time.

This bill is identical to one that I introduced earlier this year, but I am taking the opportunity to reintroduce it in what is National Recycling Week. This bill places a 15¢ charge on plastic bags given out at retail checkouts or cash registers in which people take home their purchases. According to Clean-Up Australia's Ian Kiernan, Australians use 6.9 billion plastic bags per annum. It is hard to comprehend such a figure. When I got my calculator out to work out what this means for South Australia, given that we are slightly under 10 per cent of Australia's population, it means that South Australians are responsible for using 65 million of those plastic bags.

In a media release issued by Mr Kiernan in March this year, he stated that 8.7 of those plastic bags contain enough embodied petroleum to run a car for one kilometre. So, not only do we have the toll on wildlife that plastic bags extract, but we also have the needless wastage of a non-renewable fossil fuel resource. Unfortunately, governments have buckled to the pressure of the packaging industry when dealing with this issue. Whatever action is proposed is very slow. Most recently, here in South Australia, Bunnings, the hardware chain, introduced payment for their plastic bags. My understanding is that it is working well. They have a price of 10 cents for their plastic bags. They provide cardboard boxes for people to use or people can take their own cloth or calico bags.

In South Australia, Foodland has had a wonderful scheme for many years but most people do not know about it. It is their 'green card' scheme. When one shops at Foodland, one's card is stamped or initialled for every plastic bag not taken. I always take my cardboard boxes with me. When the card is filled—there is room for about 30 stamps or initials—$1 is taken off your purchase price. Unfortunately, it is not well publicised because when I was down at Foodland last weekend, I saw a woman in front of me carrying her straw basket. As she moved away from the checkout I said to her that she had not yet had her green card stamped. She asked, 'What green card?'. She was busily shopping there yet no-one had told her of the existence of the scheme. I called a shop assistant and explained that the woman wanted a green card. She was thrilled because she knew that she was going to be rewarded—

The Hon. T.G. Roberts: She wanted it backdated.

The Hon. SANDRA KANCK: Yes, I think she might have wanted it backdated. She was very pleased because she knew that, from here on in, she was going to be rewarded for not taking plastic bags. She was a pensioner so she did not need a plastic bag for the three or four items she was carting away. In Ireland, a 15 cent levy was put on plastic bags—I think at the beginning of last year. In the first year, it resulted in one billion bags being removed from circulation. The money that was paid to purchase bags, for those who chose to continue using plastic bags, raised 3.5 million euros which is now used for environmental purposes. Our Minister for Environment is waiting for other states to move on this issue rather than stepping out and taking the lead. The Democrats advocate that he should be taking the lead. South Australia has a proud record when it comes to beverage containers with their five cent deposit. This has been improved with its wider extension to other containers, including those for fruit juice and flavoured milk.

The damage done to the environment through the careless, and sometimes totally irresponsible, use of plastic bags is such that South Australia should not sit back and wait. South Australia has led the way with beverage container deposits and we can and should do so with plastic bags. The South Australian public is ready for this move, they see it as inevitable and it is time for this government to embrace it.

The Hon. J. GAZZOLA secured the adjournment of the debate.

AUTHORISED BETTING OPERATIONS (LICENCE AND PERMIT CONDITIONS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 517.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank honourable members for their contributions and support for the bill. Basically, the agreement is that, in the absence of the Hon. Nick Xenophon, we move into committee. He will be able to make his contribution tomorrow. In response to questions raised by the Hon. Angus Redford during his contribution, I advise that, in respect of Mr Curly Seal operating a 24-hour internet betting service in South Australia, I note that this matter was raised with the government in a recent review of the Authorised Betting Operations Act 2000. As noted in the report, there is no practical way in which bookmakers can conduct 24-hour bookmaking within the constraints of the current operational framework and the exclusivity commitments in the TAB approved licensing arrangements.

Members' contributions noted the existence of interstate bookmakers providing internet betting services. It is my understanding that betting with a bookmaker or a TAB that is not licensed in South Australia is illegal under the Lottery and Gaming Act, as is the advertising of those betting services. Of course, I must note that this is extremely difficult to enforce, although the member has noted that the Minister for Gambling recently wrote to a number of parties suggesting that they seek legal advice with respect to any advertising of non-South Australian licensed wagering providers.

The Hon. Angus Redford also sought information about the Independent Gambling Authority's exemption from the Freedom of Information Act 1991. Specifically, section 17(3) of the Independent Gambling Authority Act 1995 states: 'The Freedom of Information Act 1991 does not apply in relation to the Authority.' I note that this is a long-standing provision in that act. The Authority remains exempt—as it has always been. This was a decision of the parliament likely reflecting the very confidential and sensitive nature of the probity and inquiry work of the Authority.

With respect to the advertising and responsible gambling codes of practice being prepared by the Independent Gam-

bling Authority, I firstly note that the Authority is an independent body, and that the Minister for Gambling has no general power of direction over the Authority. The 2002-2003 annual report of the Independent Gambling Authority, which was tabled recently, says that the codes should be concluded by the end of this year. This is expected to be the case. The Authority has worked hard with all stakeholders to complete these codes and, as an independent body, the Authority has conducted this process as it sees fit. The Authority is in the best position to determine the appropriate method to hold discussions with various stakeholders in the development of these codes.

With respect to questions raised by the Hon. Nick Xenophon, I confirm that this bill does not provide for any expansion of gambling opportunities. It provides for bookmaking operations to continue in their current form. The bill certainly does not expand the opportunities for internet betting by any party. This bill only contains technical amendments to ensure the exclusivity commitments to the TAB restricting the operations of bookmakers can be implemented. It also rectifies a technical difficulty in the bookmakers' permission for Mr Curly Seal's 24-hour telephone sportsbetting business while again keeping within the TAB's exclusivity provisions. The government is always concerned about problem gambling. The Independent Gambling Authority is developing codes of practice on responsible gambling and has indicated that it will apply similar principles to bookmakers through the rules.

The government has not made any submissions to the authority with respect to sports betting, but it is expected that provisions of the codes will cover all operations of gambling licences. Parties who have particular concerns with any form of gambling can, of course, raise matters with the authority at any time. Again, I thank members for their support for this bill.

Bill read a second time.

LOTTERY AND GAMING (LOTTERY INSPECTORS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 518.)

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank members for their contribution and support for this bill. In his contribution on this bill, the Hon. Nick Xenophon raised the issue of the minimum age for the purchase of minor lottery products. I note that the National Competition Policy's report on the review of gambling legislation found that participation in bingo and purchasing of instant lottery tickets should be restricted to individuals aged 18 and over. In its response to that report, the government generally concurred with the review findings but noted that the age limit for participation in bingo and instant lottery tickets should be the same as that applicable to the sale of SA Lotteries products.

It is also noted that, at the same time, legislation was before the parliament with respect to the SA Lotteries' age limit. The Independent Gambling Authority, as part of the work on the codes of practice, is currently considering the age limit for lotteries products. Issues of age limits will be considered further following the release of that work. Again, I thank members for their support for the bill.

Bill read a second time.

In committee.

Clause 1.

The Hon. T.J. STEPHENS: I just reiterate that the opposition supports this bill. We have quite a concern for the charities involved. We wish them well and, consequently, we would like speedy passage of the bill. The opposition supports the bill without amendment.

Clause passed.

Remaining clauses (2 to 6) and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

EDUCATION (MATERIALS AND SERVICES CHARGES) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 11 November. Page 514.)

The Hon. KATE REYNOLDS: I will make a fairly brief contribution to this bill because, as members would know, the Democrats have strong views on the issue of public education. Whilst we support strong participation of school councils and parents with respect to schooling (as we have put on the record previously), we do not support compulsory fees for public education. The reason is very simple: we believe that education is the right of all and not just the privileged few. It is imperative that public education remain a vibrant and viable alternative to private education, and it is unacceptable to us that any child should suffer in any way due to their parents' financial situation.

Article 26(1) of the Universal Declaration of Human Rights states:

> Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.

For these reasons the Democrats continue to oppose compulsory school fees, but we are aware that the validity of the compulsory school fees regime has recently been challenged (at least once) when, earlier this year, a family took legal action against the department because their school charged an additional fee for stationery.

In that instance the parents had paid $161, the cost for the mandated materials and services charge for a student enrolled at primary school. The parents then sought a judgment for the cost of stationery that they had to source due to the school's refusal to supply some stationery as part of that $161 charge. This court challenge resulted in money being reimbursed to the parents to cover the required stationery pack items. While we oppose the charging of fees, as we understand it this bill seeks to specify exactly what schools can charge so that there is no longer ambiguity in relation to what can and cannot be charged. We would expect and hope that this bill will prevent the need for further confusion and distress to families and schools and, certainly, further legal challenges.

We welcome the clarity and transparency that the bill will provide for the act to improve and provide clearer direction for all parties. I understand, after speaking to the minister this afternoon, that the administrative instructions associated with providing improved invoices for parents will be ready for schools to use to invoice parents for the 2004 school year. That is a significant improvement. What has existed in the past has been cumbersome, unclear and very messy. Previ-

ously, the Australian Democrats had expressed concern about the entirely inadequate School Card subsidies, which did not reflect the costs of delivering the sort of curriculum that the community rightly expects, so we are pleased to see that School Card payments will be indexed, ensuring that children from economically disadvantaged families will continue to receive at least some financial assistance enabling them to continue their education without being unduly affected.

So, while we oppose in principle the compulsory charging of school fees, we accept that this bill formalises an existing situation, eliminating discrepancies that previously existed. Provided that nothing is revealed in the committee stage that we cannot accept, we will support the bill.

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

TRADE AGREEMENT

Adjourned debate on motion of Hon. I Gilfillan:

1. That this council urges the federal government to resist the pressure to finalise the free trade agreement with the United States this year on the grounds that any free trade agreement entered into in haste to provide the President of the United States and the Prime Minister of Australia with propaganda material will be at the long-term risk that South Australia and Australia will lose on several issues, which could include:
   (a) the Pharmaceutical Benefits Scheme;
   (b) the South Australian Barley Single Desk and the Australian Wheat Single Desk;
   (c) the South Australian automobile industry;
   (d) the ability to support local industry through policies in government procurement;
   (e) the ability to support local art and culture through local content rule for television and radio;
   (f) the ability to maintain our quarantine laws; and
   (g) the ability to preserve the identity of GE-free products.
2. That this council condemns the lack of transparency in the negotiations and calls on the commonwealth government to release the current state of negotiations to state and local government, as well as the Australian public.
3. That this council calls on the commonwealth government to halt its pursuit of bilateral trade agreements at the expense of multilateral agreements that can benefit a wider proportion of the international community.

(Continued from 22 October. Page 434.)

The Hon. SANDRA KANCK: The proposed US/Australia Free Trade Agreement reminds me somewhat of the misdirected philosophical position of the previous (Liberal) state government and its sale of ETSA. It is a proposal that our federal government has put forward in what must be viewed as a remarkable act of faith in the free market. But the free market is never free. In this case it will come at great cost. Just as I have Liberal MPs quietly confessing to me that they never really supported the sale of ETSA, in time, if we are not able to prevent this agreement being signed, I anticipate hearing Liberal MPs also quietly confessing that they did not ever really support the Free Trade Agreement. I hope that state Liberal MPs will join the Democrats in speaking out against this scheme.

Members interjecting:

The Hon. SANDRA KANCK: That is a shame, then. The first I heard of this proposal was in comments made by our Prime Minister following the successful invasion of Iraq. He seemed to be linking Australia's participation with US-led forces in their illegal incursion into Iraq as being somehow linked to his desire for Australia to have a free trade agreement with Big Brother. Having previously been involved in agitation against and the subsequent defeat of the Multilateral Agreement on Investment some years ago, my suspicions were immediately raised. I have to say that the more I looked at it, the more it looked like the Multilateral Agreement on Investment.

Some time post July I received an undated circular from the federal Minister for Trade with copies of something called 'AUSFTA Briefing No. 3.' I am unaware of having been sent editions 1 or 2. The evidence I started to gather made me increasingly concerned and, when I received a letter from South Australia's Minister for Industry, Trade and Regional Development in August asking me for my view about the FTA, I wrote back and told him that the South Australian government should oppose the agreement because the costs were likely to outweigh the benefits. I suggested to my party's Treasury spokesperson, Ian Gilfillan, that we needed to move a motion to express concerns about the agreement, which is why we are now debating this.

For most Australians there would have been no knowledge of this proposal until the recent visit to Australia of the US President George Bush. Indeed, the widespread knowledge that resulted about the existence of the free trade negotiations is probably the only good thing to have come out of that visit. There are some who believe, given the economic and military might that the US exercises worldwide, that there is no choice for us but to throw in our lot with that country. To my mind, though, this is like throwing in one's lot with the school bully, and I can tell members from personal experience that the tyranny of school bullies can be resisted. In this case, I think it is essential for the good of our environment, our society and our economy that this bully must be resisted.

The *Sydney Morning Herald* of 27 October had a very interesting article from Don Henry, Executive Director of the Australian Conservation Foundation. He compares the potential impact with what has already happened to Canada through its signing of the North American Free Trade Agreement, or NAFTA, as it is more commonly called. He paints a fictitious scenario in 2006 in which a US waste management company is treating waste on the outskirts of Sydney and residents start to get headaches, the EPA shuts the plant because it is able to confirm that there are toxins being released through the process, and the US company sues the Australian government for $300 million in compensation for potential lost earnings. The company does not even deal with it in Australian courts but sets up a special international tribunal, as it is allowed to do, and that tribunal says that the Australian government has to pay compensation of $70 million to this fictitious company.

He gives this scenario as something that could happen under the Free Trade Agreement, because we are aware that chapter 11 of the North American Free Trade Agreement, a chapter that allows corporations to sue governments, is one that the United States is seeking to incorporate into the current Free Trade Agreement. Although that scenario is fictitious for Australia in 2006, Don Henry gives an example of where it has happened under NAFTA. He writes:

> For example, in 1997, the Canadian government imposed a ban on the import and interstate transport of MMT, a fuel additive containing manganese. The ban was imposed because of public health concerns.
>
> Ethyl Corporation, a US chemical company which produces MMT, sued the Canadian Government, arguing the ban was an expropriation of its investments and was therefore illegal under NAFTA. The claim was for $US251 million in compensation. The Government eventually settled the case by reversing its ban on MMT

and paying $US13 million in legal fees and compensation to Ethyl Corporation.

The comment that Don Henry has to make about this sort of situation is:

> This is a dramatic departure from a legal principle that was designed to protect private property interests from unjust government acquisitions, while also balancing the need of Australian governments to freely regulate the use of property in the public interest.

This giving of a right for corporations to sue governments is something that the US has made very clear that it wants. But how many Australian corporations have the might to be able to sue the United States government? It is fairly obvious that it would be a one-sided argument. After all, our economy is only 4 per cent of that of the United States. The US has the upper hand in bargaining on this agreement, and the consequence is that it has potentially huge ramifications for Australia in areas of environmental standards, human rights standards and labour protection standards, to name just a few. I seek leave to conclude my remarks later.

Leave granted; debate adjourned.

SUMMARY OFFENCES (LOITERING) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 15 October. Page 350.)

The Hon. CARMEL ZOLLO: I rise to speak to this reinstated private members' legislation on behalf of the government.

An honourable member interjecting:

The Hon. CARMEL ZOLLO: Don't hold your breath. I spoke to this legislation early this year at some length; I think it was on 19 February. So, I will not repeat the government's response in its entirety. Before doing that, I would like to respond to some of the comments made by the Hon. Robert Lawson in relation to this government's commitment to law and order. It is important for me to put on record that, since coming to office, this government has passed the following pieces of legislation which are committed to the Attorney-General: the Administration and Probate (Administration Guarantees) Amendment Bill 2003; the Classification (Publications, Films and Computer Games) (Online Services) Amendment Bill 2002; the Constitution (Gender Neutral Language) Amendment Bill 2003 (the government took over this bill from a private members' bill); the Cooperatives (Miscellaneous) Amendment Bill 2002; the Coroners Bill 2003; the Criminal Law (Forensic Procedures) (Miscellaneous) Amendment Bill 2002; the Criminal Law (Sentencing) (Sentencing Guidelines) Amendment Bill 2003; the Criminal Law (Sentencing) (Serious Repeat Offenders) Amendment Bill 2003; the Criminal Law Consolidation (Offences of Dishonesty) Amendment Bill 2002; the Criminal Law Consolidation (Self Defence) Amendment Bill 2003; the Criminal Law Consolidation (Territorial Application of the Criminal Law) Amendment Bill 2002; Law Reform (Delay in Resolution of Personal Injury Claims) Bill 2002; the Legal Practitioners (Insurance) Amendment Bill 2003; the Legal Services Commission (Miscellaneous) Amendment Bill 2002; the Legislation Revision and Publication Bill 2002—

An honourable member interjecting:

The Hon. CARMEL ZOLLO: You accused of us not doing anything. The list continues: the Liquor Licensing (Miscellaneous) Amendment Bill; the Ombudsman (Honesty and Accountability in Government) Amendment Bill 2002 (the Premier led but the minister was responsible for the act); Prices (Prohibition on Return of Unsold Bread) Amendment Bill 2002; Statute Law Revision Bill 2003; Statutes Amendment (Anti-Fortification) Bill 2003; Statutes Amendment (Attorney-General's Portfolio) Bill 2002; Statutes Amendment (Bushfires) Bill 2002; Statutes Amendment (Corporations—Financial Services Reform) Bill 2002; Statutes Amendment and Repeal (Starr-Bowkett Societies) Bill 2003; Summary Procedure (Classification of Offences) Bill 2003; and Terrorism (Commonwealth Powers) Bill 2002.

It has announced its commitment to the introduction of other initiatives and some legislation is out for consultation in the community, so we are hardly talking about rhetoric here but about action. Even in the last few days the government has announced two important initiatives: first, it has kept its promise it made last month to increase police numbers, with 200 extra police. We have been very busy.

Members interjecting:

The Hon. CARMEL ZOLLO: We certainly do deliver. The Premier has announced that we will recruit 200 extra police and eight additional public servants over the balance of this year and the next two financial years. They will be over and above recruitment to cover police who leave the police force. The police minister Kevin Foley says that the commissioner will use the additional police to provide extra patrols in each local service area of Adelaide, provide more police for relief in regional stations, provide more staff to backfill secondees in police prosecutions, increase staff to investigate organised crime (including bikie gangs), increase staff to investigate serious sexual offences (including pre-1982 offences), investigate e-crime and pursue criminal asset compensation.

So, we will continue to redirect money from less important services to the core services of law and order, health and education. Premier Rann says the government's commitment to making South Australian streets safer will not diminish. The other important initiative announced only yesterday was the $500 000 more for prosecutions. Definitely the Hon. Robert Lawson will be interested in hearing this: additional continuing funding of $500 000 a year to the Office of the Director of Public Prosecutions from 2003-4. As the Premier said, this is the largest increase in recurrent funding in the past five years.

Our decision to boost annual funding by $500 000 makes up for years of financial neglect by the previous administration. The Costello report produced in 1997 has made it aware of the need for an urgent injection of funds to the Office of the Director of Public Prosecutions. This week's announcement is on top of the additional $2.34 million committed by our government in the last two budgets. We recognise that more prosecutors will be necessary to deal with our commitment to crack down on organised crime, paederasts and bikie gangs and to make South Australia a safer place to live. This contribution also acknowledges the increased demand on prosecution services that is likely to flow from the expansion of DNA testing and increased police numbers.

The Premier hastened to add that the office has done a marvellous job in dealing with a large increase in work over the past few years. The office dealt with about 1 500 cases in the past financial year and this funding means more prosecutors for our state to deal with the increased workload. South Australians will continue to be served by an effective criminal prosecution service that is timely, efficient and just. He concluded by saying that Labor is delivering on law and order. I am sure the Hon. Robert Lawson will agree with me.

Going back to the honourable member's bill, I said previously that the bill before us amends section 18 of the Summary Offences Act 1953 to give a police officer another ground in addition to the existing four grounds on which to rely to request a person to cease loitering. The government is of the view that it does not add anything to existing police powers, which are wide enough and very extensive. Where there are threats to the peaceful enjoyment of streets or other public places, the existing law contains powers that are stronger and which can be used at a earlier stage than those proposed by the bill.

The Hon. R.D. Lawson interjecting:

The Hon. CARMEL ZOLLO: I think that the Hon. Robert Lawson has simply consulted himself. If the amendment would alter anything in the existing law, which is doubtful, it would give police the power to discriminate against persons solely on the basis of their appearance. The current form of section 18 was and is a careful balance between the rights of individuals and the social need to diffuse and dissipate explosive or dangerous situations. Our laws remain as the broadest police powers in Australia. Certainly, interpretation by the courts supports that view. The courts have interpreted section 18 as giving the police very wide powers to order people to cease loitering. The use of the power requests a police officer to first form a belief or apprehension on reasonable grounds.

The government is not aware of any decisions on the meaning of 'reasonable belief' or 'apprehension on reasonable grounds' in the context of this section. It does not seem to have ever been a problem. The Hon. Mr Lawson is concerned about gangs loitering in the streets. In these circumstances it is likely that the offence of disorderly behaviour might be committed. If that is a police officer's reasonable belief, then there is power to act.

Justice Zelling adopted, as a definition of disorderly behaviour, any substantial breach of decorum which tends to disturb the peace or interfere with the comfort of other people who may be in or in the vicinity of the street or public place. It is not even necessary for the police to form any belief about a potential breaching of the peace or an offence such as disorderly behaviour. If a loiterer is blocking the footpath or part of the road and is obstructing or is about to obstruct the movement of pedestrians or vehicular traffic, then section 18(1)(c) gives police the power to ask loiterers to move on.

The Hon. Mr Lawson has also suggested that it is fairly onerous to ask a police officer to satisfy a magistrate that he entertained on reasonable grounds that, for example, an offence was about to be committed. There are two responses to that: first, as has already been pointed out, there does not appear to have been any difficulty establishing in court that a police officer held a reasonable belief or apprehended on reasonable grounds that one of the matters in section 18(1A)(2)(d) has been satisfied; secondly, as the Hon. Mr Lawson has pointed out, section 18 is designed to codify the circumstances in which police can act. The possibility of convicting someone for a breach of section 18(2) is a secondary consideration. It is important to reiterate that the primary effect of section 18 is to give police the power to disperse gatherings or to order persons to move on. If persons disregard that request, they may be arrested pursuant to section 18(2).

The power to avert what is perceived to be the imminent likelihood of an offence or breach of the peace therefore is exercised by a police officer at the time of the relevant behaviour, without immediate regard to a magistrate. We would all agree that when a perceived danger or potential breach of the peace arises, police can and should act immediately. If a court later finds that a police officer's belief or apprehension was not objectively reasonable, that would prevent a conviction under section 18(2). The immediate danger as it was perceived at the time by the police officer would by then have passed and the magistrate's finding would not prevent the same police officer from taking action under section 18(1) the next time he or she formed the necessary belief or apprehension.

In relation to the provisions of this bill, it would add nothing to the existing law. The existing police powers are very wide. If the police suspect that an offence such as disorderly behaviour, or any other minor offence, has been or is about to be committed, or if movement of pedestrians or traffic is being obstructed, or if any person is in fear of personal injury or loss of property, they can take action. More importantly, because loitering itself is not an offence there is no need for police to prove any criminal act or intention before making a request. It is sufficient for police to form an opinion on reasonable grounds that one of these things has occurred or is about to occur. In two respects the existing law is already stronger than the amendment proposed by this bill. First, the existing law does not require a person who is fearful to be a 'reasonable person'. Secondly, the existing law can be invoked even if no offence has been committed. It is a pre-emptive power—

The Hon. R.D. Lawson interjecting:

The Hon. CARMEL ZOLLO: I do not know; do you want to worry about how people look? It requires only that a member of the police force believes on reasonable grounds that an offence is about to be committed or that a breach of the peace is about to occur. The Hon. Mr Lawson's bill does not adopt this future sense. The proposed amendment would give police a power based only on a person's actions in the present or the past. Under the existing law police can act even before any fear of harm arises as they need only a reasonable ground for believing that a breach of the peace is about to occur. When I spoke previously I gave an example—and even the Hon. Robert Lawson gave an example—of the Blackshirts vigilantes marching to the home of a timid, shy person, believing they could be ordered to disperse.

The Hon. R.D. Lawson interjecting:

The Hon. CARMEL ZOLLO: Where did you hear that?

The Hon. R.D. Lawson interjecting:

The Hon. CARMEL ZOLLO: Well, I am not saying that. Blackshirts vigilantes marching to the home of timid, shy person could be ordered to disperse at the moment, even before they arrive at the home and before the targeted victim was aware they were on their way. In contrast the amendment proposed by this bill would be of no use to police, even after the vigilantes arrived, unless the stress or fear it eventually created in the timid, shy victim satisfied the reasonable person test. It is noted that this bill is directed not at actions which can constitute harassment or which are even perceived as harassment, but merely at those actions which would create a fear of harassment. Therefore, the bill requires a person or a group to act in a certain manner to create fear of harassment. However, it is difficult to imagine what sorts of action would be covered by this provision unless they were also covered under sections 18(1)(a) or 18(1)(b). How could an overly timid or anxious person, still not a reasonable person, have a fear of harassment?

I conclude that it is apparent that no amendment is necessary. The existing powers of section 18 are wide enough

to cover all situations where there are genuine threats to individuals, their property or the peaceful enjoyment of public streets and places. The government will not be supporting this legislation.

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

NATIONAL PARKS AND WILDLIFE (INNAMINCKA REGIONAL RESERVE) AMENDMENT BILL

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

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

That this bill be now read a second time.

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

Leave granted.

As part of its pre-election policy commitments, the Government has approved new management arrangements for the Coongie Lakes area of the Innamincka Regional Reserve.

These arrangements will result in the removal of rights for exploration, prospecting and mining under the *Mining Act 1971* and the *Petroleum Act 2000* from the most environmentally significant portion of the Coongie Lakes area.

This Bill will enable the permanent exclusion of mining rights from these areas.

Currently the Coongie Lakes area is covered as part of the Innamincka Regional Reserve under Division 4A (Section 34A) of the *National Parks and Wildlife Act 1972*. This designates the land as a reserve for the purpose of conserving any wildlife or the natural or historic features of the land while, at the same time, permitting the utilisation of the natural resources of the land.

It is considered that zoning the environmentally sensitive areas of the Coongie Lakes under the Innamincka Regional Reserve management plan does not provide satisfactory long-term protection.

This Bill enables the Government to replace the 1988 Agreement between the then Minister of Environment and Planning, Minister for Mines and Energy, and the licencees of Petroleum Exploration Licences 5 and 6 which controlled the petroleum activities in a zone known as the Coongie Lakes Control Zone. This Agreement expired in 1999. Following significant work by the Department for Environment and Heritage and Primary Industries and Resources SA in reviewing the Coongie Lakes Control Zone and the options relating to both petroleum operations and environment protection for the area, and the development of a proposal by Santos and the Conservation Council of SA, the Government has determined the final shape of a new control zone for petroleum activities.

In order to provide long-term protection for the most significant areas of the Coongie Lakes system the Government has agreed to create:

- a new National Park within the existing Regional Reserve boundary (no mining and no grazing); and
- a permanent designated zone within the Innamincka Regional Reserve where petroleum and mineral exploration and production activities are excluded (section 43A and 43B of the *National Parks and Wildlife Act 1972* will not apply to this zone); and
- a special management zone around the designated no-mining zone as a buffer to be established through the park management plan (there will be access under State mining legislation to this zone but only for walk-in geophysical surveys and subsurface access in appropriate seasons).

Section 34A of the *National Parks and Wildlife Act 1972* does not allow for a Regional Reserve to be proclaimed in a manner that may exclude key areas from utilisation of the natural resources of the land.

This amendment is specific to the Innamincka Regional Reserve in recognition of its special circumstances and is not a general provision applying to all Regional Reserves. Following consideration and passage of these amendments by Parliament, the Governor may proclaim the no-mining zones. In this manner, rights could only be subsequently acquired in the no-mining zones by a resolution of both Houses of Parliament. A notice of motion under sections 28 and 34A(3) of the *National Parks and Wildlife Act 1972* will be tabled in Parliament in early 2004 seeking approval to proclaim the new National Park. Parliament's approval will be required for the proclamation of the National Park as it is excising land from the Regional Reserve.

The staff of the Department for Environment and Heritage and the Office of Minerals and Energy Resources are commended for the spirit of cooperation and hard work in achieving such an important conservation outcome in one of the more complex areas of the State.

The Amendment Bill seeks to amend section 43 of the *National Parks and Wildlife Act 1972* to enable the Governor to exclude, by proclamation, the no mining zone in the Innamincka Regional Reserve from the provisions of State mining legislation.

I commend this Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *National Parks and Wildlife Act 1972*

4—Substitution of heading to Part 3 Division 6

This clause substitutes the heading to Part 3 Division 6.

5—Insertion of section 43AB

This clause inserts a new section 43AB into the principal Act. The proposed section provides that the Governor may, by proclamation, create a zone within the Innamincka Regional Reserve, within which rights of entry, prospecting, exploration or mining cannot be acquired or exercised pursuant to a Mining Act. The clause prevents a second or subsequent zone from being established, or the created zone from being expanded. The Governor may, in pursuance of a resolution passed by both Houses of Parliament, vary a proclamation creating a zone so as to reduce the size of the zone, or revoke a proclamation creating a zone.

6—Entry onto reserves for purpose of investigation and survey

This clause provides that section 43B of the principal Act does not apply to a zone created within the Innamincka Regional Reserve under proposed section 43AB.

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

HIGHWAYS (AUTHORISED TRANSPORT INFRASTRUCTURE PROJECTS) AMENDMENT BILL

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

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

That this bill be now read a second time.

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

Leave granted.

The Port River Expressway is a major South Australian infrastructure project.

When completed it will provide major new transport connections for South Australia's most important trade gateway to and from the port of Port Adelaide and its surrounding precinct, boosting our export potential and contributing to quicker, more efficient freight movement.

The Port River Expressway will overcome deficiencies in the existing indirect and congested transport links to the major freight and shipping facilities in the Port (soon to be augmented by the new grain handling facility at Outer Harbor). In addition, the project will provide substantial social and economic benefits by diverting heavy commercial traffic around Port Adelaide's residential and business centre. This will complement the Port Waterfront Redevelopment Project which aims to transform the Port Adelaide Inner Harbor area into a key visitor and lifestyle destination for metropolitan Adelaide.

The Government is committed to delivering this project as soon as possible – and working with all members of this Parliament in achieving that end.

Today, I present the *Highways (Authorised Transport Infrastructure Projects)Amendment Bill*. The purpose of this Bill is to provide for essential statutory powers to enable the project to proceed—and to provide a statutory framework for future infrastructure projects with cross-portfolio involvement.

The Bill presented today is the result of advice taken by the Government from the Crown Solicitor. It seeks to address several issues that the Crown Solicitor has advised require legislative clarification.

Specifically, the Crown Solicitor's advice indicates that there are currently insufficient land acquisition powers for both road and rail purposes for the current project. The powers to undertake rail construction works are also deficient. Advice also indicates that statutory provision should be made for the bridges to obstruct the common law right to navigation of tidal waters, to enable the restriction of access to existing rail infrastructure (the Rosewater loop of the Interstate Main Line) and to set or collect rail tolls.

These issues must be resolved before a tender contract is awarded and works on the Port River Expressway (stages 2 and 3) commence, in order to provide certainty for Government and private participants in negotiations.

The Bill will extend the range of powers currently available to the Commissioner of Highways under the *Highways Act 1926* and the Minister for Transport will be provided with a number of new powers to enable construction and operation of the new rail line.

These powers will be exercised by the government agencies designated by the Minister for Transport in accordance with Cabinet direction. The Bill provides for maximum flexibility in the delivery of cross-portfolio infrastructure projects while also maintaining appropriate levels of accountability.

The Government has acted decisively to address the legal issues in relation to the Port River Expressway project by having this Bill drafted within a tight timeframe.

I believe that the Port River Expressway project is an excellent example of bipartisan cooperation, all parties having previously indicated their support.

I am sure that members opposite will assist the Government in expediting this legislation so that there are no unnecessary delays before tenders can be awarded and works commence. I commend the Bill to the House.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Highways Act 1926*

4—Amendment of section 20—General powers of Commissioner

The proposed amendment will allow the powers of acquisition under section 20 to be used for any of the following purposes:

- quarrying for road materials
- the erection or installation of plant or equipment for roadwork or quarrying
- the storage of plant, equipment or material used in connection with roadwork or quarrying;
- the re-location of residents or businesses displaced by the exercise of any of the Commissioner's powers.

5—Substitution of Part 3A

This clause provides for the repeal of Part 3A and its substitution. New Part 3A is to be headed "Authorised Transport Infrastructure Projects". The Part is to be divided into 4 Divisions. Division 1—Preliminary (comprising new section 39A) contains definitions of the words and phrases for the purposes of this New Part.

Division 2—Authorised projects (comprising new sections 39B and 39C) provides that the Governor may (by proclamation) declare a particular project to be an authorised project for the purposes of this measure. Such a proclamation must contain an outline of the project—

(a) containing—

(i) reasonable particulars of the principal features of the project; and

(ii) any information about the project required under the regulations; and

(b) specifying the land to which the project applies.

The Minister may by notice in the Gazette—

(a) supplement the particulars contained in a proclamation with further details of a particular project; and

(b) vary a notice previously published under this proposed section.

The project outline together with any supplementary particulars contained in a Ministerial notice under this proposed section together constitute the project description for a particular project.

Before work on an authorised project commences, a detailed description of the project and how it is to be funded must be referred to the Public Works Committee of the Parliament for inquiry and consideration.

New section 39C (Responsibility for carrying out authorised project) provides that responsibility for carrying out an authorised project must be assigned in the project description to a particular government agency or to particular government agencies (the ***project authority*** or ***project authorities***) and responsibility may be divided between a number of agencies. A project authority to which responsibility is assigned for carrying out an authorised project, or a particular part or aspect of an authorised project, has all the powers necessary for, and reasonably incidental to, carrying out the authorised project or the relevant part or aspect of the authorised project.

A project authority may, with the Minister's approval, delegate its powers and functions and such a delegation may be made, if the Minister approves, on terms that allow the delegate to subdelegate the powers and functions.

Division 3—Implementation of authorised projects comprises new sections 39D to 39I.

New section 39D (Acquisition of project property) provides that the Minister may acquire real or personal property for the purposes of an authorised project.

New section 39E (Power to transfer property etc) provides the Minister with power to exercise certain specified powers for the purpose of giving effect to an authorised project.

New section 39F (Declaration of public roads etc) provides the Minister with power to exercise certain powers in relation to land for the purposes of an authorised project.

New section 39G (Power to close roads or railway lines) provides a project authority with power, if so authorised by the Minister, to close a road temporarily or, if so authorised under the project description, permanently. A project authority may, if so authorised under the project description, close or limit the use of a railway line that is the property of the Government and, accordingly, give directions to an operator who uses the line. No liability is incurred by the Crown or a project authority as a result of the exercise of powers under this proposed section.

New section 39H (Power to obstruct navigation) provides a project authority with power, if so authorised by the Minister, to temporarily obstruct a right of navigation to enable or facilitate the carrying out of the authorised project. If the project description declares the permanent obstruction of a right of navigation to be necessary for the implementation of an authorised project, the project authority may permanently obstruct the right of navigation. No liability is incurred by the Crown or a project authority as a result of the exercise of powers under this proposed section.

New section 39I (Power to enter and temporarily occupy land) provides that authorised persons may exercise the powers conferred by Part 5 of the *Land Acquisition Act 1969* for the purpose of determining whether the land is suitable for use for a proposed authorised project or for carrying out an authorised project. The Crown is liable for any compensation payable under section 29 of that Act.

New Division 4—Tolls comprises new sections 39J and 39K. New section 39J (Tolls) provides that the Minister may, by notice in the Gazette, fix a toll (which may vary according to various factors) for vehicular access (both road and rail) to the transport infrastructure forming part of the Port River Expressway project. Certain classes of vehicle (such as emergency vehicles) are exempted from payment of a toll.

New section 39K (Traffic control devices and other structures) provides a project authority (with the Minister's approval) to erect or install traffic control devices, and other

structures and equipment, that may be necessary or desirable to facilitate the collection of tolls.

6—Amendment of section 43—Regulations

This clause provides for the regulations to fix differential penalties and expiation fees for regulations providing for offences against new Part 3A depending on whether the offence is committed by a natural person or by a body corporate.

Part 3—Amendment of *Local Government Act 1999*

7—Amendment of section 4—Interpretation

8—Amendment of section 211—Highways

These amendments are consequential on the amendments proposed to the *Highways Act 1926* in relation to authorised projects.

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

ADJOURNMENT

At 9.01 p.m. the council adjourned until Thursday 13 November at 11 a.m.