LEGISLATIVE COUNCIL

Monday 23 February 2004

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

KNEEBONE, Hon. A.F., DEATH

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

That the Legislative Council expresses its deep regret at the recent death of the Hon. Alfred Francis Kneebone, former Minister of the Crown and member of the Legislative Council and places on record its appreciation of his distinguished public services, and that as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

Albert Francis Kneebone was born in Coolgardie, Western Australia in 1905. He was the son of former member of the House of Assembly and senator, Harry Kneebone. Known as 'Frank' he became a member of the Legislative Council in 1961. A printer by trade, Frank was State Secretary of the Printing Industry Employees Union of Australia. He became state secretary in 1950 and the union's federal vice-president in 1952. Frank was also President of the United Trades and Labor Council and a member of the Labor Party's state executive for several years. For six years he was a member of the Apprentices Board and for eight years he was a member of the School of Arts Council.

Frank served in the Legislative Council until his retirement in 1975. In 1965 he was appointed as a minister in the Walsh government, holding a variety of portfolios, including Labour and Industry, Railways and Transport. In 1975, Frank was appointed Chief Secretary in the Dunstan government where he also held the portfolio positions of Lands, Repatriation and Irrigation. At the time he entered parliament, Frank expressed a clear desire to grapple with the important issues facing all South Australians, such as employment security and the economic future of the state.

In his maiden speech, Frank stated, 'In my capacity in the trade union movement, it is my unfortunate experience to grapple first hand with the misery and the many problems caused by unemployment'. As chief secretary and leader of the government in the Legislative Council, Frank held a significant position in the Dunstan government. He was held in high regard by other members and was remembered as a true gentleman by parliamentary staff. Upon the announcement of Frank's retirement from parliament, the Hon. Ren deGaris (then leader of the opposition in the Legislative Council) made the following comment:

I am fully appreciative of his hard work, his calmness and his humility. The Hon. Frank Kneebone's example is an example for any future leader of the government in the council, irrespective of which party he may come from. His able leadership is appreciated. During the whole time that the Hon. Mr Kneebone has been leader of the government in this council, I do not remember any time when he has been other than the complete gentleman, nor do I remember any time when he has uttered a single word to which any honourable member could take exception.

Frank Kneebone served with a whole generation of MPs—most of whom are sadly no longer with us. In the past few months alone, we have said farewell to former premier Des Corcoran, Tom Casey, and now, Frank Kneebone. Frank, who died at the age of 98, will be remembered for his industrious parliamentary career and his able leadership in this place. Frank leaves his wife, Pat, two children, two stepchildren, six grandchildren and 17 great-grandchildren. On behalf of the government, I express sincere condolences to his family.

The Hon. R.I. LUCAS (Leader of the Opposition): I rise to support the motion on behalf of the Liberal members and endorse the comments placed on the public record by the leader of the government in his contribution. As the leader of the government said, the Hon. Frank Kneebone came from a tradition within the Australian Labor Party as a strong working class representative with strong connections to the union movement. Prior to his election he was state secretary of the Printing Industry Employees' Union of Australia, which had various names over the years, and I think in the latter years was known as the Printing and Kindred Industries Union.

There seems to be some disputation amongst some Labor advisers across the chamber but the consensus view seems to be that it is now part of the Amalgamated Metal Workers' Union. Members will know others, of course. I think that Don Ferguson, the former member for Henley Beach, was a member of the Printing and Kindred Industries Union at that time. At the time of his passing I indicated that my father, who worked for *The Border Watch* in Mount Gambier was a member of the Printing and Kindred Industries Union and, of course, it had strong connections with Don Ferguson and other union representatives over the years.

It is interesting to look at the press clippings that table staff have provided to us. The press clippings go back to the early 1960s in relation to pre-selections and highlight not only the strong union connections of the Hon. Frank Kneebone but also his family connections. I had not realised until I saw this particular clipping that his father, the late Harry Kneebone, had been the member for East Torrens in the South Australian House of Assembly from 1924 to 1925—a very short period—before becoming a senator in 1931. He has also been a president of the South Australian Trades and Labor Council and a member of the state ALP executive for several years.

In his pre-selection he won against seven other candidates and had a comfortable margin over a Prospect housewife, Mrs D.A.A. Paterson, but in third place was a name well-known to many of us—Mr N.K. Foster, an officer of the Waterside Workers' Federation at Port Adelaide. That was the Hon. Norm Foster, who in later years—

An honourable member: Stormy Normy.

The Hon. R.I. LUCAS: Stormy Normy, as my colleague indicates. In later years, he entered the Legislative Council and had a pivotal role in some debates, most notably the Roxby Downs debate in the 1979-82 period. I do not recall having an extended conversation with the Hon. Frank Kneebone. I saw him around Parliament House during that period in the 1970s and occasionally since then to say hello to when he attended the former members' lunches and functions here at Parliament House.

As the leader has indicated, he was held in warm regard by not only Labor members but also Liberal members of the Legislative Council and, as we have indicated on many other occasions, I noticed one of his *Hansard* references where as leader of the government he had welcomed the fact that he was then the leader of six Labor members in the Legislative Council and how much better that was than when he had been the leader of four Labor members in the Legislative Council. In that period there had been 16 Liberal and four Labor members, then it became 14 Liberal and six Labor members

and it has almost got back to six Labor members again here in the Legislative Council.

Another intriguing thing at the time was that, although the position of chief secretary is not widely recognised in this day and age, it was one of the higher ranking portfolios. My recollection is that it was third or fourth in the pecking order in cabinet. As chief secretary he was obviously highly regarded by his peers within the Labor government at the time. I noted that the Hon. Ross Story, whom some will remember as a former Liberal member of the Legislative Council, in referring to how he saw the importance of the position of chief secretary, had some kind words to say about Frank Kneebone and that position, as follows:

> I would have preferred to see the position in reverse. To me, the position of Chief Secretary is one of the landmarks and tenets of our society, at least so far as South Australia is concerned. To me, the breaking down of that office in this place represents the equivalent of replacing the President's Chair with a tubular steel chair.

I am sure, Mr President, that that would never happen. He continues:

> I believe in tradition; I believe in the institution of Parliament. Therefore, I believe that offices such as that of Chief Secretary have great significance. In other words, you can redecorate the building but, please, do not remove the foundations.

The Hon. Ross Story then went on to acknowledge the contribution of the Hon. Frank Kneebone, not only in his position as chief secretary but also as leader of the Labor government in the Legislative Council. On behalf of Liberal members, we place on record our acknowledgment and tribute to the Hon. Frank Kneebone for his many years of parliamentary and community service. He went on to a number of positions, including a term as a member of the board of the State Bank of South Australia and a number of other positions to which the leader of the government has referred. We certainly pass on our condolences to members of his family and friends at this time.

The Hon. SANDRA KANCK: I indicate Democrat support for this motion. We pay tribute to the public service that Frank Kneebone gave this state and extend our sympathies to his family and friends.

The PRESIDENT: There being no further contributions, I ask all honourable members to stand in their place and carry the motion in silence.

Motion carried by members standing in their places in silence.

[Sitting suspended from 2.29 to 2.42 p.m.]

AUSTRALIAN CRIME COMMISSION

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I lay on the table a copy of a ministerial statement on the subject of the Australian Crime Commission: Mercury 04 made today in another place by the Premier.

PAPER TABLED

The following paper was laid on the table:

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

Report, 2002-03—
National Environment Protection Council.

QUESTION TIME

YATALA LABOUR PRISON

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about an incident at Yatala Labour Prison.

Leave granted.

The Hon. R.D. LAWSON: Police have today announced that, last Wednesday in the high security B division at Yatala Labour Prison, a prisoner was involved in an incident that has left him critically injured and presently in the Royal Adelaide Hospital. My questions to the minister are:

1. Has he received advice of this particular incident?
2. Will he reveal the identity of the prisoner concerned?
3. Will he release a report concerning the incident?
4. What action will he take to avoid a recurrence?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I can confirm that there was an incident at the Yatala Labour Prison. That is the only advice I have. The incident is subject to police investigation, and I suspect the identity and other details will come out of the police report after they have made their investigation. So, I will refer the honourable member's question—those parts that I have not answered—to the Minister for Police and bring back a reply.

The Hon. R.D. LAWSON: I have a supplementary question. Is there any reason why the identity of the prisoner concerned has not been made public?

The Hon. T.G. ROBERTS: I refer to my original reply in relation to the report. I will wait for the report to find out those answers and bring back a reply.

LABOR PARTY POLICY

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

Leave granted.

The Hon. CAROLINE SCHAEFER: Last Thursday, 19 February, the minister took me to task for my lack of knowledge of ALP policy, amongst other things. I quote from what he said in *Hansard*:

> We will have a chance to see just how clever the Hon. Caroline Schaefer is. Earlier this week the Hon. Caroline Schaefer asked me a question about the ALP election platform. I had a lot of trouble finding exactly where in the election platform it was. With the help of some of your diligent staff, Mr President, I was able to find that it was out of the 1996 ALP platform. This member has a good habit of getting it wrong. She got it totally wrong then.

In response to a point of order by the Hon. Terry Stephens, he went on to say:

> It has every reference to the credibility of the member who asked the question.

I have in my hand a copy of the South Australian Labor Party Platform for Government adopted by the ALP state convention in October 2000. Country policy number 16 point 13 in regard to agriculture states:

> In consultation with Industry introduce legislation to have compulsory off-shears lice treatment re ntroduced in South Australia.

My question to the minister is: when did he change the ALP platform; does he now admit that it is his credibility, not mine, that is at stake; and will he apologise for his offensive remarks?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): Absolutely not. The Hon. Caroline Schaefer does not understand that she talked about the election policy and what was in a past platform of the ALP is not the same as the election policy. The election policy of the Australian Labor Party has been well circulated. At the 2002 election, held just over two years ago (on 9 February 2002), my former colleague the Hon. Annette Hurley released the ALP election policy. The policy in there was the one on which we went to the election and on which we made promises. The ALP platform is a statement of beliefs but is not the specific election platform put by the party at election time, nor has that ever been the case. That was the point to which I referred last week in relation to the—

Members interjecting:

The Hon. P. HOLLOWAY: It is not at all. However, let me go on (and the honourable member may be interested in this), because—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: No, I certainly will not apologise—absolutely not; there is no need whatsoever. I think some background to the issue of the dipping of sheep is worth pointing out to this council. I am advised that South Australia was the last state to require compulsory annual dipping of sheep, and that requirement was to dip sheep within 42 days of shearing. Following a submission from industry bodies, this requirement was removed in 1990 for a number of reasons: first, it was not enforceable; secondly, it was a requirement to apply a chemical to sheep that may not have been infested; and, thirdly, concerns about chemical residues in wool scour effluence were raised. In addition, compulsory annual dipping did not guarantee effective application.

What happened, Mr President—as I am sure you are aware because, of course, you were the shadow minister for primary industries during some of this period, which was why you and your staff were able to help me in relation to the history of these matters as to why this matter went back—was that in 1994 sheep lice were removed from the list of notifiable diseases under the Stock Act; that is, it was deregulated in 1994. At the time, an extension program lice check was run by PIRSA but managed by a consultative group involving all sections of the industry. In 1996 (which is about the time that it was in the ALP platform, because issues were raised about it at that time), following concerns by industry about an increase in the prevalence of sheep lice, the then minister formed a task force to review the problem of sheep lice in the sheep industry. The findings were released in July 1997.

So, I think we can conclude, Mr President (and you can take some credit for this, because of the diligence of your work on the platform in raising the issue), that it did elicit a response from the minister at the time. As a result, in January 1998, sheep lice regulations came into force under the Livestock Act. It became an offence to present lice-infested sheep at a market or to allow lice-infested sheep to stray. The task force did not support compulsory treatment of all sheep after shearing. After an initial period of two years of state funding, the new regulatory program has since been funded by industry from the Sheep Industry Fund. I also point out that a 1999 survey of producers found that 78 per cent treated their sheep for lice every year after shearing.

That is the background to this matter. It was raised, very appropriately, by you in 1996, Mr President, as the shadow minister at the time. As a consequence of the Labor Party raising that issue, the then government responded with changes to regulations. So, that really is where the matter lies, but it was not part of the election policy.

The Hon. R.I. Lucas: You were wrong.

The Hon. P. HOLLOWAY: No; I was completely right. It was not part of the election policy that the party put up in the 2002 election.

The Hon. CAROLINE SCHAEFER: I seek leave to ask a supplementary question, sir.

The PRESIDENT: A quick question arising from the answer?

The Hon. CAROLINE SCHAEFER: No—from the question, sir.

The PRESIDENT: Well, that is out of order—you should have said 'the answer'.

The Hon. CAROLINE SCHAEFER: Unfortunately, sir, I have not had an answer.

STATE STRATEGIC PLAN

The Hon. R.I. LUCAS (Leader of the Opposition): My questions are directed to the Leader of the Government:

1. Has the cabinet approved the state strategic plan? If not, will it be approved at the economic summit on 3 April?

2. Has the government advised all ministers with portfolios that portfolio specific strategies, such as a transport strategy, a housing strategy or, indeed, a mining strategy (if there is one and, if there is not, there ought to be) cannot be finalised until the details of the state strategic plan have been concluded?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): The state strategy is currently being considered by cabinet and as a consequence I am not at liberty to discuss the matter further.

The Hon. R.I. LUCAS: I have a supplementary question. Will the minister provide an answer to the second question, which was not asking for the details of the state strategic plan?

The Hon. P. HOLLOWAY: It was, in fact. The question asked by the leader—as I heard it—made some suggestions regarding what might or might not be happening in relation to the state strategic plan. As I said, the state strategic plan is currently before cabinet and I do not wish to discuss any matter in relation to that plan.

The Hon. A.J. REDFORD: I have a supplementary question. Will this strategy be amended as a consequence of the consultation to which the leader referred?

The PRESIDENT: That is not a supplementary question, given the answer.

The Hon. A.J. REDFORD: I rise on a point of order, sir. With respect, the minister gave an answer acknowledging that there was ongoing dialogue, and the question following that was whether there would be any changes as a consequence of that ongoing dialogue. It clearly comes as a consequence of the answer that the minister gave.

The PRESIDENT: I will accept that. The minister has given his answer.

The Hon. P. HOLLOWAY: It is a hypothetical question but, obviously, if one is having ongoing discussions in relation to a major plan that one might expect as a result of those discussions, there may well be changes. But that remains to be seen.

The Hon. A.J. REDFORD: I have a further supplementary question. Will the minister, or the government, identify any changes made to the strategic plan put to the government by the Economic Development Board as a consequence of that consultation?

The Hon. P. HOLLOWAY: That is asking me to discuss matters that are before cabinet, Mr President. Obviously, I am not at liberty to do that.

AVIAN INFLUENZA

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

Leave granted.

The Hon. R.K. SNEATH: Avian influenza outbreaks, predominantly of the H5N1 strain, have occurred in a number of Asian countries and have been associated with a small number of human infections and deaths. Avian influenza has now also been reported from the United States and Canada. My question to the minister is: what is the South Australian government doing to ensure that the state's agriculture industry is afforded as much protection as possible from this disease?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his continuing interest in the rural affairs of this state. What I can tell the honourable member is that, from the reports we receiving, it is difficult to assess how things are progressing with avian influenza in Asia. It appears that the more developed countries such as Japan and South Korea have experienced localised outbreaks and appear to have been able to isolate the infected farms and to prevent the disease's spread by eliminating the infection through slaughtering the infected flock. Other countries that have a less well-developed infrastructure and more basic farming techniques, such as village flocks and live bird markets, seem to be doing a poorer job of control and elimination. Some countries, such as Indonesia, are leaving it to producers to take action while others, such as China, are attempting to establish some form of control but are continuing to report further spread. Vaccines of unknown efficacy are being used in some countries but it is still too early to know whether these are helping.

The strains detected in the US are H7N2 and H2N2, whereas H7 has been detected in Canada. All these differ from the Asian strain. These outbreaks appear to be of low pathogenicity to birds but the five flocks so far detected have been slaughtered, as similar outbreaks in other countries have shown that low pathogenic strains have a tendency to become more virulent if allowed to proceed unchecked. Naturally, Australia has increased its border surveillance and passengers from affected countries are being thoroughly screened. The community has been alerted through media reports, while government has been liaising with industry to keep it informed.

In terms of state-based preparedness, I would have to say that we are one step ahead of the game. The Department of Primary Industries and Resources SA, in conjunction with emergency agencies, has for some time planned to conduct an exercise called 'Exercise Wounded Goose' to test its preparedness for an avian exotic disease. This exercise, which was one of a series, was made all the more real in that avian influenza had been selected as the simulated problem prior to the real disease outbreak, and the exercise had, coincidentally, been scheduled to take place at the same time as the real disease outbreak was occurring. It was certainly an interesting turn of events and I am pleased to report that the exercise went well. A further exercise is being developed for mid year, and any areas that require additional honing will be worked on then.

The focus for Exercise Wounded Goose was Murray Bridge and the scenario included a simulated outbreak of disease in the immediate area. The exercise concentrated on setting up and running a local disease control centre, using the SES headquarters building in Murray Bridge. While there were no field operations, the exercise tested the technical response capability of PIRSA. For some newer staff, this was their first hands-on exercise, whereas other staff had been seconded to the UK during the foot and mouth outbreak that occurred there some time ago. As a result, these experienced staff have considerable and invaluable knowledge which they have been able to bring back for the benefit of the whole team.

As part of the exercise, a link to the divisional emergency operation centre in Mount Barker was established, and SES and Emergency Services admin unit staff participated in the exercise from that location. There was significant participation from senior PIRSA animal health staff at the state disease control headquarters at Glenside, with the chief veterinary staff officer and other staff participating in the strategic planning of the response. I was also a participant in the exercise, and even though I was interstate at the time I was still able to be contacted in order to sign a notional ministerial notice for gazettal, as would be required in a real event.

The exercise showed that PIRSA would be able to mount a successful technical response to such an incident. Control centre messaging and communication are essential in emergencies, and this was a major aspect tested in the exercise. From these experiences, a modified messaging system has been designed for further exercises. Other exercises will be conducted during the year using different diseases and testing improvements made to the system, as well as giving PIRSA and other agencies in the state an opportunity to practise coordination and response to an animal disease emergency. In conclusion, I commend all participants in Exercise Wounded Goose for playing a vital role in ensuring that our state is fully prepared.

NATIONAL COMPETITION POLICY

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Agriculture, Food and Fisheries a question relating to the national competition policy.

Leave granted.

The Hon. IAN GILFILLAN: As we all know, the National Competition Council is charged with the task 'to improve the wellbeing of all Australians through growth, innovation and rising productivity, by promoting competition that is in the public interest'. The policy requires a review of state legislation, with the aim of amending or repealing legislation if it is determined that the legislation restricts competition.

The federal government's carrot and stick approach in relation to this means that it can either give or withhold grants. In 2003-04, the federal Treasurer deducted $5.86 million and suspended a further $11.71 million from a total of $58.5 million. This was done because of the chicken meat

legislation we passed in this place; because we apparently failed to address anti-competitive restrictions in liquor licensing; and because of alleged tardiness in abolishing the single desk barley marketing, for which $3 million was deducted. I would also add to that list the disastrous effect that dairy deregulation has had on a lot of dairy farmers, although it has not been specifically dealt with in this place in recent times.

Members would have also received a letter from the Australian Hotels Association, which states:

> We understand that the State Government is under considerable pressure to abolish the 'need' test from the Liquor Licensing Act 1997. The AHA maintains that liquor is a potentially harmful item that the community appear to want to have restricted to licensed premises. If liquor can be sold freely in all shops such as service stations and corner stores there will likely be an explosion of liquor licences.

So, it is pretty clear that the National Competition Council is determined (I will not say 'hell bent', because that is a loaded statement) to impose its will over state legislation.

In relation to the Barley Marketing Act 1993, I commend the minister for eventually rejecting the recommendations of the review of that act. On 16 February 2004, the minister indicated in this place his support for the retention of single desk marketing and his criticism in relation to the $3 million penalty imposed on this state. I will not quote the comments, as members can well remember them. My questions to the minister are:

1. Can we expect this government to proceed with legislation which retains the deeming clause in the liquor licensing legislation? In other words, will we retain our right as a state to determine the restriction on licensing premises?

2. Is it the government's intention to buckle under this pressure, thereby further exposing ourselves to a financial penalty from the federal government?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his question. It is a matter for which the Attorney-General is responsible and I will refer the question to him. As a general comment about the national competition policy, I point out that it is the National Competition Council that makes these recommendations, but it is the Howard Liberal government in Canberra that ultimately decides whether or not it passes these penalties onto the states. Ultimately, that government should not be able to wash its hands of responsibility for the decisions of the National Competition Council, as it presently appears to be trying to do. I believe all state governments will be ensuring that the Howard government takes responsibility for the decisions that are ultimately made, as indeed it should. It is the Treasurer's decision alone whether to pass on those penalties. The liquor licensing measures impact on most, if not all, of the states of Australia.

I have read a number of comments from premiers such as Bob Carr in New South Wales and Peter Beattie in Queensland who have been particularly vocal about this particular measure. It is interesting that, 10 years after competition policy was first introduced, we are now at the stage where the states are being penalised far more than at any other time in that 10 year history of competition policy for legislation which is, in the scheme of things, somewhat minor. One would think that, after the obvious lack of success of the competition policy in some areas such as energy reform, particularly electricity, the federal government would be well advised to reconsider its whole approach towards this arm of policy.

The Hon. IAN GILFILLAN: I have a supplementary question. From the evidence given in his answer, does the minister agree that the national competition policy and council are impinging on the sovereignty of the state of South Australia?

The Hon. P. HOLLOWAY: The state signed up for national competition policy. One document was signed in 1994 and another in 1995.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: That was the Hilmer review. The competition policy's signatory was Dean Brown as Premier in 1994 and 1995. There are some aspects of competition policy about which we all have views. The competitive neutrality aspects of it and other parts of the policy certainly have my support. I believe that most members would support some aspects of it. It is my opinion that in recent times the way that this policy is being interpreted is going far beyond what was envisaged by those who proposed the competition policy. To get back to the honourable member's question, it is a matter of opinion about whether it impinges upon the states. After all, the states did sign up for it and, as part of the benefits, the states have received the competition payments. Part of those competition payments were to reward the states for forgoing some of the taxation revenue or other state income they would have received if those competition reforms had not been made: there was a certain logic to it at the time. Whatever reasons were appropriate and prevailed in the early 1990s are perhaps not appropriate in 2004.

MENTAL HEALTH

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Health, a question about mental health teams.

Leave granted.

The Hon. A.L. EVANS: On 27 December 2003, *The Advertiser* reported a crisis in the mental health system. The paper reported at the time that Adelaide had been without mental health crisis intervention teams because the teams did not work on weekends or public holidays. The CEO of the state's mental health service, Dr Jonathon Phillips, said that Glenside was at full capacity, that mental health admissions to public emergency departments had reached record levels and that psychiatric staff were struggling to keep up their workload, particularly those requiring to maintain care of mentally ill offenders being detained in Glenside pending court appearances. My questions are:

1. Will the minister provide an explanation as to why the mental health crisis intervention teams were unavailable to work on weekends and public holidays last year?

2. Will the minister provide an explanation as to the current availability of staff to work weekends and public holidays?

3. Will the minister advise of the total number of staff in the mental health system currently working in the mental health crisis intervention area?

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

The Hon. J.F. STEFANI: I have a supplementary question. Will the minister provide details of the additional

funding which the Labor government has allocated to this particular area?

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

FISH KILLS

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries questions about fish kill incidents in the Murray-Darling Basin.

Leave granted.

The Hon. J.S.L. DAWKINS: I have recently been made aware of a major fish kill incident in Victoria's Goulburn River, which flows into the Murray River. Apparently, thousands of fish were found dead and dying below the Goulburn weir near Nagambie last month. In addition, there has been recent publicity about an equally significant incident on the Darling River near Pooncarie. Residents of the Riverland in South Australia have been alarmed to hear of these incidents, which follow on from a similar major fish kill event in Victoria's Broken Creek in November 2002. Members may recall that I raised that incident with the minister in this council in December 2002. The Goulburn River incident has resulted in the death of trout, Murray cod, native galaxias, smelt, bony bream, yellowbelly and redfin, while the Darling River event has involved mainly Murray cod. My questions are:

1. Will the minister indicate whether PIRSA fisheries officers are aware of these incidents?

2. If so, what action have they taken to monitor the investigation of these fish kill incidents by the relevant authorities in Victoria and New South Wales?

3. Will the minister raise these incidents with the Murray-Darling Basin Commission, particularly in relation to the commission's native fish management strategy?

4. Will the minister seek information from the Minister for the River Murray about the possible impact on water quality in South Australia resulting from the flushing of the Goulburn and Darling Rivers following these incidents?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I thank the honourable member for his questions. Certainly, I saw the reports that most members would have seen over the weekend about the fish kill in the Darling River which appears to have been related to the recent heavy rain in south-east Queensland that, for the first time in a long time, is filling the Menindie Lakes, which have been at virtually zero level for a long time. Exactly what is the cause of that remains to be seen. As I understand it, the officials in those states are urgently sampling the water to see what is the cause of the deaths of the Murray cod in that region. I recall the question asked by the honourable member about the Broken Creek incident, and it appears that all too often we have had these events with the drought that we have had in recent years.

Obviously, it is my concern as Minister for Fisheries that whatever is causing these fish kills in the upper river should not spread to this state and that is why an urgent need exists to liaise with the Murray-Darling Basin Commission and fisheries authorities in other states to get that information and that is what we will be doing. I assure the honourable member that my officers will be contacting their colleagues in other states to get that information to see whether there is anything we can learn in relation to how we need to operate in South Australia to prevent these sorts of incidents. I am also happy to raise this matter through the Murray-Darling Basin Commission, which I believe will meet at the end of March in Albury-Wodonga. I will be pleased to raise these issues and get more information for the honourable member.

TRANSPORT, PLAN

The Hon. D.W. RIDGWAY: I seek leave to make a brief explanation before asking the Minister of Aboriginal Affairs and Reconciliation a question about the draft transport plan.

Leave granted.

The Hon. D.W. RIDGWAY: In November last year I asked a question concerning the state's draft transport plan. My question has remained unanswered. In the explanation to the previous question I stated that it was reported on the Transport SA web site that the draft transport plan would be submitted to cabinet in late 2003. In reviewing the Transport SA web site now, I note that it says that the draft transport plan will be submitted to cabinet in early 2004. Given the response by the Leader of the Government (Hon. Paul Holloway) to a question from my colleague (Hon. Rob Lucas) in which he indicated that the state strategic plan was before cabinet, will the Minister for Aboriginal Affairs and Reconciliation confirm whether the state transport plan is currently being reviewed by cabinet?

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

The Hon. D.W. RIDGWAY: By way of a supplementary question, will the minister, in referring the question, provide a more accurate time frame for the submission to cabinet other than early 2004?

The Hon. T.G. ROBERTS: I will refer that important question to the Minister for Transport in another place and bring back a reply.

EASTERN MOUNT LOFTY RANGES

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement made by the Hon. John Hill on 19 February on the proscription of the eastern Mount Lofty Ranges.

VICTOR HARBOR SURGERY

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a copy of a ministerial statement made by the Hon. Lea Stevens on the Victor Harbor surgery.

ABORIGINAL TRAINING AND EMPLOYMENT

The Hon. J. GAZZOLA: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about Aboriginal training and employment.

Leave granted.

The Hon. J. GAZZOLA: In previous answers to questions in this chamber the minister has detailed government action about Aboriginal training and employment. The minister's answers indicate the priority this government places on training and employment. Therefore, my question is: will the minister inform the council of other ways Aboriginal communities can work with government depart-

ments and agencies to assist Aboriginal people with training and employment?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question and his ongoing interest in the portfolio of Aboriginal affairs, in particular in Aboriginal employment and training.

The Hon. A.J. Redford: Did you write his question for him?

The Hon. T.G. ROBERTS: The honourable member is quite capable of writing his own questions and would be quite capable of answering many of the questions replied to in this place. The honourable member is quite right about the priority we give to training in trying to rebuild the lives of many Aboriginal people, particularly in regional and remote communities, who are in poverty traps which, if members went out there, they would find quite abhorrent.

We are trying to turn around a difficult situation in regional and remote areas and in the metropolitan area to try to provide opportunities for not only training but also education, training and curriculum development to try to capture some of the opportunities that exist in some of the regions. It is taking some time to complete the partnerships that we are trying to build, because the communities are unable to partner many of the proposals that are being put by both the commonwealth and the state. I have raised that at a commonwealth level, and we are certainly trying to address that question of partnership and community capacity within this state.

One example which appears to be working—or which has certainly put the building bricks in at the right level—is being run out of Point Pearce by the Goreta Aboriginal Corporation. The Point Pearce community held an expo (which did not compare to the metropolitan expos but which was in line with the community's capacity), which was attended by Centrelink and organisations such as Making Apprenticeships Simple; the Department of Further Education, Employment, Science and Technology; the Spencer Institute of TAFE; and the AFL SportsReady traineeships. If one drove into the community, one would wonder how such a small community, given its very meagre resources, would be able to put on such an expo and have key people within the community turn up to participate. The aim was to provide information regarding career pathways, with specific emphasis on traineeships and apprenticeships.

Another interesting thing is that the information that was released within the community was picked up by the local Kadina newspaper, *The Yorke Peninsula Country Times*, and, rather than some of the negative stories that are put out around communities in relation to the circumstances in which they find themselves, this was a positive story, and I thank those involved in the newspaper for that. The communities in and around Point Pearce are now starting to put together cooperative programs for finding employment opportunities within that area and, certainly, they are looking at some of the development opportunities that are starting to find their way into and around Yorke Peninsula to try to break the poverty cycle in which many Aboriginal people in that area find themselves.

REFUGEES

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Employment, Training and Further Education, a question about training and education opportunities for refugees.

Leave granted.

The Hon. KATE REYNOLDS: Recently, my office received inquiries about access to training and further education for refugees released from the Baxter Detention Centre on temporary protection visas. We believe that some institutes have waived fees for a few individual students on TPVs. This appears to be on a case by case basis, and community workers have advised that that very much depends on having the right connections at the right time. Recently, the Queensland state government announced that it would play an active role in helping refugees to build a new life in this country by supporting them to undertake training. The Queensland government has declared it un-Australian for the federal government to refuse to provide access to education programs until a refugee is granted permanent status and has decided that, as a state government, it would take a more compassionate approach in supporting refugees. The Queensland government has instructed the Department of Employment and Training to provide TAFE courses free of charge for refugees on temporary protection visas. This includes specialised English classes to meet the needs of refugees who have come through traumatic experiences and who need to ease slowly into the learning environment. Queensland TAFE also trains students to work on a voluntary basis to help temporary protection visa holders who are undertaking study with their ongoing settlement into the community.

I understand that the TAFE ministers in Victoria and New South Wales have instructed TAFE institute directors in those states to acknowledge that temporary protection visa holders do not have the capacity to pay fees and, therefore, should be granted a fee exemption. My questions to the minister are:

1. What assistance does the South Australian government provide to current holders of temporary protection visas who want to access accredited and non-accredited vocational training through the South Australian system?

2. How much was spent last year by the South Australian government on the provision of English language support for holders of temporary protection visas and bridging visas?

3. Has the minister discussed with TAFE, or any other registered training organisation, ways to assist TPV holders to access training and further education? If not, why not?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will report those important questions to the Minister for Employment, Training and Further Education in another place and bring back a reply.

ASBESTOS

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Industrial Relations, questions about the licensing requirements applicable to asbestos removal.

Leave granted.

The Hon. NICK XENOPHON: I was recently contacted by a constituent in the Campbelltown council area who expressed serious health and safety concerns for her family and her neighbours over the demolition of houses in her area that contained asbestos materials. The constituent described debris and dust arising out of the demolition process. She was concerned about the dust in the area and was aware that asbestos material was involved. She contacted her local

council (the Campbelltown council) about the demolition process and was subsequently informed that there is no special licensing requirement for the demolition process because the amount of asbestos material covered less than 200 square metres.

Regulation 4.2.4 of the Occupational Health, Safety and Welfare Regulations states that an asbestos removal licence is not required 'to remove an asbestos-cement (fibro) product, or other non-friable asbestos-containing material, that covers less than 200 square metres'. The medical and scientific evidence indicates that there is no minimum safe level of respiratory exposure to asbestos fibres and, indeed, the consequences can be deadly. My questions to the minister are:

1. Does the minister consider the current 200 square metre threshold before specialist licensing provisions and removal procedures are required to be satisfactory, given the potential deadly consequences of asbestos exposure?

2. Has the asbestos advisory committee in the past four years previously considered this issue? If so, when, and what, if any, recommendations to the minister arose out of the committee's deliberations?

3. What steps have been taken to action any such recommendations?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will take those important questions to the Minister for Transport, who is also the Minister for Industrial Relations, in another place and bring back a reply.

The Hon. J.F. STEFANI: I have a supplementary question. Can the minister advise parliament whether contractors are still required to dispose of asbestos in accordance with the occupational health and safety regulations?

The Hon. T.G. ROBERTS: My answer to that would be yes, but I will take the question on notice and refer it to the minister in another place and bring back a reply.

The Hon. NICK XENOPHON: I have another supplementary question. Further to the referral mentioned by the minister, will the minister indicate what level of resources and enforcement is applied to ensure that the regulations are complied with?

The Hon. T.G. ROBERTS: I will refer that important question to the minister in another place also and bring back a reply.

TAXATION, LAND

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Agriculture, Food and Fisheries, representing the Treasurer, questions about land tax objections.

Leave granted.

The Hon. J.F. STEFANI: Last week I asked the Treasurer two questions about the number of objections lodged with Revenue SA regarding valuations relating to land tax assessment for this year and last year. A number of hard-working and angry constituents from Italian and Greek backgrounds who reside in the Norwood area have approached me and condemned the Treasurer's comments as outrageous when the Treasurer stated that the land tax was targeted to hit the 'wealthy, property-accumulating opportunists'. The reality is, however, that many people to whom I have spoken said that they are simply trying to be self-sufficient so that they do not need to rely on a pension to pay for their needs. Many constituents have said that, if they sell their second property, capital gains tax will swallow most of the gains which may be realised through the increased valuation of their property.

Numerous people have said that, on the one hand, the Rann Labor government laments the lack of low cost rental properties for those who cannot afford to own their own home yet, on the other hand, the same government is attacking and punishing those very people who are keeping tenants off the street. In view of this continuing community unrest, my questions are:

1. Will the Treasurer provide complete details of all objections received by the government for all property valuations, including valuations for land tax assessments and valuations for the principal place of residence, for the year 2003?

2. Will the Treasurer provide full details of the number of objections that were successful in having the property valuations reduced?

3. Will the Treasurer give a breakdown of the areas from which objections were received, including the number of objections from each area, together with a breakdown of the successful number of objections and their respective areas of origin?

The Hon. P. HOLLOWAY (Minister for Agriculture, Food and Fisheries): I am not quite sure what the honourable member means by 'areas of origin'. I must say that I find it rather regrettable that he appears to be turning this into some sort of ethnic debate, as though it is people of only Greek or Italian background who own property. That is something I reject. The laws in relation to land tax and the rates, which were last changed—

The Hon. A.J. REDFORD: I rise on a point of order, Mr President. I do not recall the Hon. Julian Stefani mentioning anyone of any ethnic background at all in the course of his question.

The PRESIDENT: What was the point of order?

The Hon. A.J. REDFORD: Well, he should withdraw the—

The PRESIDENT: There is no point of order.

The Hon. P. HOLLOWAY: The honourable member needs to read the question. The point I was making was that the land tax rates were last adjusted in this state in the early 1990s under the Brown government, when the threshold was cut from $80 000 or $85 000 back to $50 000. Since then, there has been no change in land tax rates by subsequent governments, including this one. I reject the assertion made by the honourable member that somehow or other this government is targeting particular individuals. All that happened was that property values have risen. The honourable member also said that these people were trying to be self-sufficient.

The Hon. J.F. STEFANI: I rise on a point of order, Mr President. My question related to the fact that a number of angry constituents from Italian and Greek background who reside in the Norwood area have approached me. That is not a direct question.

The PRESIDENT: That is not point of order: it is an explanation. There is a procedure for making explanations of which the honourable member should avail himself at the appropriate time and not call a point of order.

The Hon. P. HOLLOWAY: Again, I make the point that our land tax rules apply to all members of the South Aust-

ralian community and that they have not been changed under this government. The other point I make is that the honourable member said that people did not want to rely upon the pension and that the capital gains tax could swallow up those gains. That just reinforces the point that I made in the debate last week: first, it is the commonwealth government that is the principal beneficiary and, secondly, I reject the fact that, given the capital gains tax applies to only half—

The Hon. T.G. Cameron interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I hope that the interjection of the Hon. Terry Cameron is noted, because he is refuting the point that was made by the Hon. Julian Stefani in his question—-namely, that CGT will swallow up most of the gains. As he says, the commonwealth government cut the capital gains tax.

Members interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: It is only half the gain, less inflation, that is indexed. So, the basic point is that, if someone is fortunate enough to own a second property and if that second property has increased by 50 or 100 per cent in value over the last couple of years, those people are extremely fortunate that their properties have increased so dramatically in value. And the Prime Minister of Australia himself, John Howard, was the one on radio last year telling everyone that no-one ever complains to him because their property values are going up. They were the words of the Prime Minister. I think it is regrettable that this country, as a result of the commonwealth taxation regime that we have, is very rapidly becoming a place where it is almost impossible for young home owners to buy a home. That will be the legacy left to us by the Howard government and I trust that in the forthcoming federal election this year it becomes one the big issues, because it deserves to be.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Well it is not, actually. The honourable member should look at some of the recent statistics. We are rapidly becoming a country where people rent homes. Sadly, that is the way this country is moving and unless there are some changes made to the federal tax regimes that promote it—

The Hon. A.J. Redford: That's because your government won't release land, except to the rich!

The Hon. P. HOLLOWAY: Well, why is it happening in every other state of the country? That refutes that. I hope it will be an issue in the forthcoming federal election because it deserves to be.

The PRESIDENT: Order! The honourable Angus Redford is being uncharacteristically obnoxious.

OAKLANDS PARK RAILWAY STATION

The Hon. SANDRA KANCK: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Transport, a question about Oaklands Park railway station.

Leave granted.

The Hon. SANDRA KANCK: Until a few months ago there were toilets open on the Oaklands Park railway station. That station is staffed from 9 a.m. to 5 p.m. on weekdays and presumably the staff member has access to a toilet and must, therefore, have keys to open the toilets. My questions are:

1. Why were the toilets closed?

2. Will the minister take some action to have the toilets reopened? If not, would he consider placing signs at the station advising people that a key can be obtained from the staff member on duty, so that people who are desperately in need of a stopover at the toilet will be able to make that very necessary visit.

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

CHILD PROTECTION REVIEW

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Social Justice, a question regarding the review of child protection in South Australia.

Leave granted.

The Hon. T.G. CAMERON: I recently received a letter from a Mr John Ternezis on behalf of Parents Want Reform outlining their concerns regarding the Layton child protection review commissioned by the state Labor government. I quote:

> I am alarmed with the delay occurring in respect of the consideration of Ms Layton QC's report. The report of the Review of Child Protection in South Australia was originally sought from Ms Layton in March 2002. I am aware that the author has indicated, in the media, that the report was completed and in the hands of government by December 2002. I am also aware from comments that have been made by Ms Layton that for apparently logistical reasons the report was not released until March 2003.
>
> Upon the release of the report in March 2003 a period of times was provided for the interested parties and stakeholders to comment on the report with such submission to be received by the 31st July 2003. By the 31st July 2003 all submissions and the report were available to government.
>
> It alarms me that some 21 months have now elapsed since the report of the Review of Child Protection in South Australia was first sought. The report has made significant recommendations not the least of which has related to an increase in the staffing of Family and Youth Services (FAYS) to enable Family and Youth Services to deal with the extraordinary workload which they face. The band-aid remedy that had apparently been implemented, following industrial action taken by the Public Service Association, has been an agreement at the meeting between the Premier and the PSA to provide additional funding of $2.1 million on a recurring basis for 35 more workers to be employed by FAYS. The rest of the 206 recommendations made by Ms Layton QC in her report appear to remain unanswered. Your government commenced this report on the basis of the significant community concerns in respect of child protection in this state. I have previously stated that was some 21 months ago. Nothing has arisen out of the report.

My question to the minister is: considering the government's professed concern about the state of child protection in this state, and that the report has been in the government's hands for more than nine months, will the minister advise the council whether the substantive recommendations of Ms Layton QC have been considered by cabinet and, if so, when will the 206 recommendations be implemented?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his questions. In relation to similar questions asked last week, the minister and cabinet did agree to an extra $58 million to be placed within the minister's department immediately. That is a little bit more tinkering at the edges, but there is acknowledgment that more will be done. I will get an update on the current position of the Minister for Social Justice's portfolio, and bring back a reply.

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 dry zone.

Leave granted.

The Hon. J.M.A. LENSINK: Recently on ABC radio the Minister for Tourism and member for Adelaide, the Hon. Jane Lomax-Smith, in opposition to the government's decision announced on 12 February to re-open Barton Road, stated the following :

> . . . (I) have to accept that if at the end of the day Cabinet and caucus make a decision. . . I toe the line. . . I can assure anyone in North Adelaide that my views haven't changed on the matter. . . (It) doesn't make any difference if I agree with 95 per cent of policy and support it [that is, the continuation of the closure] emotionally and personally. . .

Matthew Abraham made the following comment:

> Your views are not much comfort to your voters if you can't vote accordingly on the floor of the house.

In the past, the minister has also stated her opposition to the Victoria Square dry zone. My questions to the minister are:

1. Is the dry zone another one of the 5 per cent of issues with which the minister's views differ from Labor Party policy?

2. Has the minister discussed the dry zone issue with members of the Social Inclusion Unit?

3. Has she had any 'heated discussions' with the Attorney-General (as she claims to have had regarding Barton Road), urging that the dry zone not be extended after 31 October this year?

4. Has she had any discussions, heated or otherwise, regarding this issue with any of her other Labor colleagues?

5. When will replies to questions asked in this place about Barton Road by the Hons Diana Laidlaw and Julian Stefani on 1 May 2003, and by me on 18 September 2003, be provided?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I will refer those questions to my colleague in another place and bring back a reply. Bear in mind that the Minister for Planning, Hon. Jay Weatherill, has the key responsibility for the dry zone.

PORT STANVAC OIL REFINERY

The Hon. T.J. STEPHENS: I seek leave to make a brief explanation before asking the Minister for Correctional Services, representing the Minister for the Southern Suburbs, a question about the Port Stanvac oil refinery.

Leave granted.

The Hon. T.J. STEPHENS: In response to a question I asked in April last year about whether the minister's priority was to open the site or to close and clean it, the minister recently replied that he supported efforts by the Treasurer to have Mobil restart or remediate its refinery at Port Stanvac. The least preferred option would be that Port Stanvac was mothballed indefinitely. Given Treasurer's recent comments that the Port Stanvac oil refinery site was a 'dirty, putrid industrial site', my questions are:

1. Does the Minister for the Southern Suburbs agree with the Treasurer's comment?

2.If the government does successfully negotiate for Port Stanvac to be restarted at some point, will it still insist that the ' dirty, putrid industrial site' that the Treasurer spoke of is cleaned up?

The Hon. T.G. ROBERTS (Minister for Correctional Services): I will refer those important questions to my colleague in another place and bring back a reply.

REPLIES TO QUESTIONS

SCHOOLS, LOCAL MANAGEMENT

In reply to **Hon. KATE REYNOLDS** (11 November 2003).

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

1. On 1 July 2003 the Government announced its decision to develop one system of local management based on recommendation 6 of the Cox Review.

Since this time, information has been provided and training scheduled. On going support will be available on line, via the phone and through site visits. The Global Budget was distributed by the Chief Executive in a circular to all sites dated 24 November 2003.

A website, supplemented with an information package, has been developed for school and preschool communities that explains the new model. The website will be operational early in the 2004 school year.

2. As stated, the staged implementation of the new model has been planned to take into account feedback from sites and will be adjusted according to their different support needs.

3. The implementation program includes an accredited training program for site leaders, training and development in site governance for members of governing and school councils, as well as written material and a new website to support the system. In addition, sites not currently locally managed will not be required to enter into total management of their financial arrangements until the latter half of the 2004 school year as stated in a circular from the Chief Executive dated 24 November 2003.

4. Consultation with stakeholder groups such as unions, staff and parent associations has been comprehensive as is the staged implementation process.

5. The department has prepared a comprehensive implementation and support strategy for sites new to local management. This strategy has been consulted upon in a number of forums including with unions and with around 75 sites that will be new to local management at the conference on 25 November already mentioned. I have already outlined the staged implementation during 2004 in answers to previous questions.

6. From the beginning of 2004, documents that have been superseded by the staged commencement of the new and improved model of local management are being progressively removed from the website. If you visit the DECS portal now you will find that it is no longer possible to access the Partnerships 21 website. As well as the website many other out-of–date documents that related to this model have now been removed. Some documents have been retained for reference purposes such as the Review of Partnerships 21. In line with the stages of local management implementation, other guidelines and documents will be added progressively to support the new locally managed sites.

STATE BUDGET

In reply to **Hon. A.J. REDFORD** (2 June 2003).

The Hon. P. HOLLOWAY: The Acting Treasurer has provided the following information:

1. The estimated contribution payments agreed with Government for 2002-03 and 2003-04 and included in the 2003-04 Budget are outlined in Budget paper number 3, page 6.3. These targets are reported on an accrual basis.

The estimated contribution payment for 2002-03 included in the 2003-04 Budget papers was $241.0 million After allowing for a return of capital by SA Water of $16.0 million the estimated total payment for 2002-03 was $257.0 million.

The actual contribution payment included in the 2002-03 Final Budget Outcome (page 18) is $239.1 million (excluding the return of capital), a reduction of only $1.9 million on the estimated contribution.

In comparison the estimated total contribution for 2003-04 included in the 2003-04 Budget papers was $247.2 million.

The 2003-04 Budget Mid Year Review includes an upward revision in the contribution payments for 2003-04 of $8.6 million to $255.8 million, consisting of a special dividend of $10.0 million and decrease in contribution of $1.4 million due to the impact of permanent water restrictions.

The $10.0 million special dividend arises from Riverland Water providing water quality enhancements at its Riverland filtration plants as compensation for certain economic development obligations that it has not met. The benefits will be recognised by SA Water as net income, providing the capacity for the increased dividend in 2003-04.

Permanent water conservation measures came into force in South Australia on Sunday 26 October 2003. The Mid Year Review incorporates an adverse impact from these restrictions on SA Water's revenues of $2.5 million per annum compared to an average year, with the aforementioned flow-on effect of $1.4 million on contributions to Government.

Treasury and Finance will be working closely with SA Water in the lead up to the 2004-05 Budget to clarify any further pressures on SA Water which may affect the level of contributions paid to government.

2. As the member would be aware, estimates in the budget are subject to review notably in the Mid-Year Budget Review document produced and distributed by the Department of Treasury and Finance on an annual basis.

3. The Government does not intend to increase the Save the River Murray Levy in the manner suggested by the Member.

4. The Government's sound financial management over the past two years has been recognised by ratings agencies following the release of the 2000-04 Budget. Moody's recently upgraded the credit rating of the State, and Standard and Poor's have upgraded our outlook from stable to positive. Continued prudent financial management should stand the Government in good stead for further recognition by ratings agencies.

Supplementary Questions

1. See answer to question 1.
2. See answer to question 1.

STATE BUDGET

In reply to **Hon. R.I. LUCAS** (12 November 2002).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

The response to the question asked by Mrs Redmond during the estimates committees was published in *Hansard* on 13 May 2003.

MINISTERIAL RESPONSIBILITY

In reply to **Hon. J.S.L. DAWKINS** (5 June 2003).

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

I refer the member to the answer tabled in *Hansard* (page 33) on 15 September 2003.

GAMBLING EDUCATION PROGRAM

In reply to **Hon. NICK XENOPHON** (1 December 2003).

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

1. In Labor's Plan To Deal With Problem Gambling it states: 'Labor will develop programs to warn our high school students about the dangers of problem gambling. This will be done in consultation with Family and Youth Affairs, community organisations and industry, to develop curriculum for use in South Australian Schools'. $800 000 has been allocated for these programs over four years.

2. The Responsible Gambling Education Strategy is being trailed in 15 schools across 5 districts. There is no other Strategy like this in Australian schools, and the outcomes will be the focus of international attention. Therefore it is appropriate to introduce the Strategy as a pilot program and evaluate the results before it is expanded.

3. All schools will have the opportunity to participate in professional learning sessions once the 15 participating schools for the pilot have been identified. In addition, parent forums will be conducted which will be open to all parents within that district.

All curriculum materials used in this Strategy will be available to non-Government schools on a cost recovery basis.

4. The Responsible Gambling Education Strategy is a groundbreaking strategy. It is essential that all relevant stakeholders are appropriately engaged so that this important education strategy is developed correctly.

The Strategy has been allocated $800 000 over 4 years.

5. This Strategy is the first comprehensive whole of school strategy in Australia. The Queensland Government has developed three curriculum modules and more recently offered associated professional development in some regions. These modules are available as options which teachers may choose to use in the achievement of particular learning outcomes for students.

The South Australian Responsible Gambling Education Strategy includes curriculum materials to be used in SA schools, training for teachers, problem gambling awareness forums for parents and grants will be provided to schools for innovative projects that respond to the issue of problem gambling. Pilot schools will review policies and procedures about gambling and develop partnerships with local problem gambling services providers

6. The Break Even Network and the Gambling Industry are represented on the Responsible Gambling Education Strategy Reference Group. Parent and School Leader Groups, the Independent and Catholic School sector, the Centre for Health Promotion, Department of Education and Children's Services, Department of Human Services, Youth Representatives and University Researchers are also members of this Reference Group. The Dicey Dealings Strategy was developed in consultation and with the support of the Reference Group.

7. In 2005, the program will start to be rolled out to all government schools.

GOVERNMENT TAXES AND CHARGES

In reply to **Hon. J.F. STEFANI** (12 November 2003).

The Hon. P. HOLLOWAY: The Treasurer has provided the following information:

1. Recent growth in taxation revenue reflects underlying growth in the taxation base. The taxation revenue increases being experienced are the result of a strong economy (with direct impact on payroll tax receipts) and a strong property market (conveyance duty and land tax) – not because tax rates have been increased.

It is the case that the size of property value growth and additional property ownerships is causing some taxpayers to move into higher tax brackets for land tax, but this is land- value driven, not a result of tax rates changing.

In relation to fees and charges, indexation adjustments are a composite of wages and prices growth reflecting the cost of providing government services. The provision of government services is especially influenced by wages growth.

2. As explained above, increases in tax rates have not been the cause of taxation revenues growing in excess of CPI. Increased tax revenues reflect the level of economic growth experienced in recent years and the cyclical uplift in the property market.

The only new 'tax' introduced by this government is the Save the River Murray Levy. As explained at the time of its introduction, this tax reflects the social, environmental and economic importance of having a healthy River Murray and a reliable water supply in South Australia.

3. The Government does not have a policy of adjusting tax rates to reflect changes in the CPI.

In relation to fees and charges generally, the current arrangements for adjusting fees and charges were introduced by the previous government in 1996. As mentioned above, the annual increase is based on a composite index comprised of growth in wages and inflation in South Australia over the previous year. Accordingly, increases are based largely upon cost recovery.

MUSIC INDUSTRY

In reply to **Hon. SANDRA KANCK** (1 April 2003).

The Hon. P. HOLLOWAY: The Minister for Industrial Relations has provided the following information:

Coverage for entertainers and a requirement of employers to declare remuneration of entertainers, has been in place under current and past workers compensation legislation and subordinate legislation effective since 1979. In 1987, Regulations under the Workers Rehabilitation and Compensation Act, 1986 (the Act) were introduced.

It is noteworthy that, after stating various types of entertainers, the Regulation then states 'or other entertainer', and 'or as any other

type of entertainer'. Similarly, after stating various types of venues, the Regulation states 'or other similar venue'.

The rationale for the Regulation's reference to the various types of entertainers and venues is to illustrate and distinguish between circumstances where the entertainers are performing for the purposes of the trade or business of an engaging party, as opposed to in their own right at their own discretion and as the locus of the overall economic activity. The first of these classes is illustrated by the regulation up to and including the words 'similar venue', and the latter is described thereafter.

Turning to your specific concerns relating to how a band is paid, advice from WorkCover indicates that whether a band in this case is playing at a hotel, establishes a door deal or are paid a set fee is immaterial. The outcomes will depend upon other aspects of the arrangements between the band and the hotel and whether the performance is for the purpose of the trade or business of the engaging party. If the arrangement is that the band is simply allowed to use the facilities (or hire the facilities) and that the use is not for the trade or business of the venue then the provisions of the Regulations do not apply. However, if the arrangement with the band is for the purpose of the trade or business of the venue it is more likely that the provisions of the Regulations will apply.

I am advised that the act of incorporation itself places certain obligations on the entity so created in respect of its workers which most likely would see the respective members of the band being workers of the incorporated entity not the end-user (e.g hotel). I am advised that Sound mixers, lighting technicians and roadies are not considered to be entertainers as provided for under the Regulations. Such persons are more likely to be employed by the band by the forming of an employment relationship (from an examination of the particular circumstance against established common law principles). In such a case, the band as an employer would be required to register with the WorkCover Corporation and pay a levy on the remuneration payments made to its worker(s).

Where the entertainer as a worker is employed by more than one employer, the aggregate earnings from all employment will be taken into account in determining average weekly earnings for the purpose of providing income maintenance.

The Premier believes it is important for all employers to ensure they meet their obligations to provide a safe and healthy work environment. It is important to ensure a safe working environment for both permanent and casual workers.

WorkCover is working with the stakeholders to address their concerns.

Additionally, I can advise that I met with the Australian Hotels Association and the proprietor of the Austral Hotel to further discuss this issue.

WATER CHARGES

In reply to **Hon. CAROLINE SCHAEFER** (27 November 2003).

The Hon. P. HOLLOWAY: The Minister for Environment and Conservation has provided the following information:

In response to community concerns regarding unregulated water resource development, the Government is planning to introduce sustainable water management controls in the Eastern Mount Lofty Ranges catchments, which flow to the River Murray and Lower Lakes.

On 16 October 2003, the Minister for Environment and Conservation announced his intention to prescribe surface water, groundwater and watercourse water resources in this region and consultation will continue to occur with the community about this proposal until 27 February 2004.

The Minister will then consider all comments received as well as relevant technical information before making a recommendation to the Governor on prescription of these resources.

Once a decision is made to prescribe the water resources, then persons who take water from the prescribed resource will need a licence to do so. This is a perpetual licence and there is a one-off licence application fee of $149.40.

Stock and domestic use can be exempt from requiring a licence. I anticipate significant community discussion, over the next few months, about whether or not to licence stock and domestic use in the region.

In a prescribed area water users who are licensed may be charged a levy. However, stock and domestic use is exempt from all levy charges. It is important to note that a levy can only be raised where the relevant catchment water management plan makes such a provision for a prescribed water resource.

A water levy is charged in other prescribed areas, with the exception of the Clare Valley where there are no levy charges. The levy amounts range from 0.186 cents per kilolitre (South East prescribed wells areas) to 2.0 cents per kilolitre (Eyre Peninsula prescribed wells areas).

At the same time as announcing his intention to prescribe the region, the Minister has issued two Notices of Prohibition to temporarily hold water use at current levels for the next two years, while the Government undertakes a land and water use survey to accurately determine levels of water use and to assess the capacity of the resource. No licences or charges apply under these temporary controls.

The Department of Primary Industries and Resources is being consulted about the proposal to prescribe during the current consultation period and will be consulted again prior to making a recommendation to the Governor.

Prescription will benefit agriculture and agricultural development in the region. It will give irrigators and other water users security of access to water, which in turn provides greater security for investment in agricultural businesses that require water.

Currently there are no management controls and someone could construct a dam, sink a well or put a pump in a river and impact significantly on a downstream user.

Prescription provides security by preventing unregulated extraction, allowing for equitable water sharing and providing water users with a licence to access a defined allocation of water. In addition, a water licence can be a valuable asset.

WATER RESTRICTIONS

In reply to **Hon. CAROLINE SCHAEFER** (23 October 2003).

The Hon. T.G. ROBERTS: In my current capacity as the acting Minister for the River Murray I can advise:

The government has been sourcing the data necessary for the management and implementation of water restrictions on an ongoing basis. Decisions are based on information from the Murray-Darling Basin Commission which provides South Australia with advice on water resource available on a monthly basis.

With that information, the Department of Water, land and Biodiversity Conservation consulted with representatives from a range of irrigator and industry groups on the best possible approach to implementing restrictions.

Following this consultation it was clear that, no matter what method the government adopted, the impacts on individual licensees would vary. In addition, irrigators with different allocations and usage patters will interpret the questions of fairness and equity differently.

The advice I received supported restrictions through a uniform cut to allocations. The 'contract' between the government and the irrigator is based primarily on a licensed allocation and not on the type of crop irrigated.

In a report to me, the Riverland Private Irrigators Taskforce, which was established by the member for Chaffey, identified four models that could be applied to reduce water use. The taskforce regarded the guiding principles for a suitable model to be that:

- The methodology is defendable (based on fact, transparent, non-arbitrary)
- The strategies are simple to administer and monitor
- The strategies are flexible to allow response to changes in the need for restrictions through the year and
- The restrictions are equitable across all water users.

One of te models was an 'across the board' restriction based on past usage. This was widely rejected by irrigators as being arbitrary and not promoting efficient irrigation practice.

The second option, the 'available resource model', refers to allocations being based on the divertible volume of water held in Murray-Darling Basin Commission storages. The total divertible resource is then shared in accordance with the requirements of the Murray-Darling Basin Agreement. An initial allocation is made, with provision for adjustment over the season as inflows increases storage volumes and each state's share of the divertible water increases. This is the system that is routinely used in New South Wales and Victoria. In making allocation decision both New South Wales and Victoria assume a very low level of risk (approximately a one per cent chance that irrigators will receive less than the volume allocated to them).

The South Australian government generally does not use this approach because under the Murray-Darling Basin Agreement the

states of New South Wales and Victoria must—in all but exceptional circumstances such as drought—provide 50 per cent each of South Australia's entitlement flow, before they can allocate any water to their irrigators. It is this feature of the Murray-Darling Basin Agreement that makes South Australia's water allocations the highest security allocations in the basin.

The two remaining options for the Private Irrigators Taskforce are the so-called 'community best management practices model' (or crop water use requirement model) and the allocation based model. The crop water use requirement model is very complicated model but generally is uses a theoretical volume of water per hectare for different crop types. This volume of water per hectare is then multiplied by the area of each crop type owned by the licensee to derive an overall allocation for that specific licensee.

Under the crop water use requirement model the theoretical crop water use figures are disputable and the information on crop types and areas in not readily available. The model does not therefore meet two of the criteria established by the irrigator's taskforce. More importantly, this model involves unilaterally taking away the existing rights of irrigators, as represented by their water licences under the Water Resources Act 1997, and arbitrarily assigning them to other irrigators. The other aspect of this model is that it assumes all licensees are irrigators. This is clearly not the case.

The allocation based model is the system that the government has put in place and use effectively this year.

The system adopted by the government is the only one that meets all of the guiding principles established by the Riverland Private Irrigators Taskforce. It has been effective in reducing water usage as required.It has provided irrigators with certainty with regard to their rights to take water and hence the management of their businesses. In short it is a fair and effective system.

TAXATION, LAND

The Hon. J.F. STEFANI: I seek leave to make a personal explanation.

Leave granted.

The Hon. J.F. STEFANI: During his reply to a question which I asked of the leader of the government of this place, the minister, I believe, tended to twist the interpretation of my question. Honourable members are well aware that I have very wide connections in the South Australian community, having served in this place for 15 years. My connections are particularly strong within the Italian community, of which I am a member—I am of Italian origin—and the Greek community, which at times has described me as an adopted son. I repudiate what the minister implied and wish to state clearly that, when I bring questions into this place, I bring them from people who share with me their concerns about certain matters. In relation to the question I asked, it was to do with the topic and it was from people in the Norwood electorate with whom I have close connections.

The PRESIDENT: Order! When members make personal explanations they relate to where they have been misquoted. You are not to debate the issue. I know the subject is very dear to the heart of the Hon. Mr Stefani, but in future, when making a personal explanation where they have been misquoted, all members will be required to contain their remarks to where they were misquoted and what they meant.

STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL

In committee.

Clauses 1 to 3 passed.

Clause 4.

The Hon. NICK XENOPHON: I move:

Page 3, line 13—
After "behavioural problems" insert:
(including problem gambling)

I acknowledge the government's response to my second reading contribution and I appreciate the comprehensive nature of that response. This amendment makes it absolutely clear that if a person has a gambling problem it may, at the discretion of the court, be the subject of an appropriate intervention program. As I understand it, and I will stand corrected by the minister, the government does not take issue with that. I think it clarifies what the position is so that there is no question that the courts can consider problem gambling as one of the matters to be considered in the context of an intervention program. I urge honourable members to support this amendment given what I indicated in my second reading contribution about the significant link between problem gambling and gambling addiction and gambling related crime.

The Hon. P. HOLLOWAY: The government accepts the honourable member's amendment.

Amendment carried; clause as amended passed.

Clause 5 passed.

Clause 6.

The Hon. NICK XENOPHON: I move:

Page 5, line 22—
After 'behavioural problems' insert:
(including problem gambling)

This is consequential to the earlier amendment that I moved and the same comments apply.

The Hon. P. HOLLOWAY: The government accepts the amendment.

Amendment carried; clause as amended passed.

Remaining clauses (7 to 14) passed.

New schedule.

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

After clause 14 insert:
Schedule 1—Review of intervention program services
1—Review of services included on intervention programs
(1) The minister must, as soon as practicable following the 12-month anniversary of the commencement of this act, appoint an independent person to carry out an investigation and review concerning the value and effectiveness of all services included on intervention programs (within the meaning of the Bail Act 1985 and the Criminal Law (Sentencing) Act 1988) in the 12 month period following the commencement of this act.
(2) The person appointed by the minister under subclause (1) must present to the minister a report on the outcome of the investigation and review no later 6 months following his or her appointment.
(3) The minister must, as soon as practicable after receipt of the report under this clause, cause a copy of the report to be laid before both Houses of Parliament.

Honourable members might recall that the amendment that I originally foreshadowed was one which required the minister, as soon as practicable after 1 January 2005, to appoint an independent person to carry out an investigation and review of intervention programs. It also required that person to present the report to the minister by 30 June 2005 and for that report to be subsequently laid before this council. The government, in the minister's second reading summing up, did not accept the suggested amendments and, in order to achieve that result—namely an independent evaluation of intervention programs without the complicating factor of elections—I have redrafted the amendment which will now require the minister, following the 12-month anniversary of

the commencement of this act, to appoint an independent person to carry out an investigation and review; and, to thereafter publish a report to the minister who should be required to table the report in both houses.

Speaking in support of this particular motion, I do so with some experience of intervention programs. It is undoubtedly true that they are still in a relatively developmental stage, not only in this state but elsewhere. Of course, whenever an intervention program is developed—whether it be a drug court, a Nunga court or a mental intervention court—governments are very keen to say that they are extremely effective; they are good and that they are supported by all sides of politics and the community generally. However, I think it is very important that we do not simply have the statements of governments, political people, those involved in the programs and the like, but that there be an independent evaluation and an opportunity for parliamentary scrutiny of that evaluation.

This is not seeking to politicise intervention programs. It is simply seeking to ensure that this parliament is actually informed from some independent source as to how well the program is going so that, if necessary, it can be improved so that the resources that are allocated to the program can be analysed by the parliament to determine whether or not sufficient resources are being allocated. Members might recall that, regarding some of the amendments to the rules relating to damages, this council has insisted on similar types of provisions—namely an independent review within a reasonable time of the effectiveness of the programs. I see this amendment as supportive of these programs. It is not seeking to be destructive or to politicise them—it is seeking to ensure that the council is properly informed of how the program is going.

I commend the Hon. Mr Xenophon for his amendment which has included problem gambling as one of the possible areas in which the programs can be developed. I think it is only reasonable that in a couple of years time he will have the opportunity to see in an independent report whether that issue is being addressed and for him to raise questions if it is not being addressed. So, I urge support from members for my amended amendment.

The Hon. P. HOLLOWAY: The Hon. Robert Lawson proposes an amendment to the bill to add a new schedule that would require the investigation and review of the value and effectiveness of all services included in intervention programs in the 12 months from the commencement of this act. The amendment requires an investigation and review by an independent consultant whose report must be tabled in both houses of parliament. The amendment replaces an earlier amendment in similar terms except that the earlier amendment referred to a specific calendar year, not 12 months from the commencement of the act, and of programs implemented during that year, not services included in those programs during that year.

The government opposes this amendment for several reasons. This bill does not establish any particular intervention program or say how programs should be delivered. This is made quite clear in the second reading reports to both houses and on a reading of the bill itself. It was actually acknowledged by the honourable shadow attorney-general himself in debate when he said that it must be acknowledged that this bill does not establish particular intervention programs or even set guidelines for approval or delivery of those programs as that is a function of executive government. That is obviously something that has budgetary implications and priorities which will dictate the availability of programs. Quite true.

The intervention programs now in place in South Australia were established as pilots by the previous government, long before the introduction of this bill. They were established and are maintained collaboratively by the Justice and Human Services portfolios. The bill simply gives the court the formal statutory authority to use them because they have proved to be valuable tools in this and the previous government's efforts to reduce crime.

So, how programs are delivered and whether they work is a matter for executive government. If they do not work the usual political consequences will follow. Parliament's interest in this has been and should continue to be through the budget estimates process or question time. There is nothing to suggest the need for a different type of scrutiny, and especially not what we have here, the expensive full-blown independent inquiry suggested in this amendment. Given that standard methods of parliamentary scrutiny already exist—and there is nothing to suggest they are not adequate—I suggest that the significant amount of money proposed to be spent by the honourable member on consultants would be better spent on expanding existing assessment and rehabilitation services for those who qualify for intervention or in establishing new programs when the need arises. It is for those fairly obvious reasons that the government opposes the amendment. We do not have unlimited resources in this state and it is important that we spend them wisely.

The Hon. R.D. LAWSON: With the greatest respect to the minister, the two reasons given for not having an independent evaluation of these programs simply do not stand up to scrutiny. The first reason given by the minister is that this bill has not established any particular programs. We accept that: of course it has not. This amendment seeks to ensure that if there are any such programs established, they will be the subject of independent evaluation.

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: The minister interjects, 'They already are and already have been for many years.' Indeed that is the case. I know from my own experience in government that these programs are evaluated regularly. Any effective minister will require of his department that it demonstrate that programs are effective. I simply ask that parliament be brought into the loop. The second reason given by the minister for not supporting this amendment is that the ordinary budget estimates process provides an opportunity for parliamentary scrutiny. With the greatest respect, I dispute that. The budget estimates process in this parliament has many deficiencies and—

The Hon. Nick Xenophon interjecting:

The Hon. R.D. LAWSON: Certainly, as the Hon. Nick Xenophon interjects, this chamber plays no part at all in the budget estimates process, but even if this chamber did play a part in the current budget estimates process there is little effective opportunity in that process to undertake an evaluation of a program of this kind. As the minister acknowledged in his interjection, these programs are already the subject of independent evaluation. This is not additional money being wasted on evaluation, as it already happens. What does not happen at the moment is that parliament is not brought into the loop and my amendment seeks to bring parliament into the loop so members of parliament will have the opportunity to examine these reports and evaluation.

At the moment I am sure that under all governments a report comes in. If it is brutally frank and highlights deficien-

cies in a program, the last thing any minister does is come along to the parliament and say that this program is not going terribly well. The natural tendency of governments is to paper over inefficiencies and, if possible, to change the program, but certainly not to make disclosures in the political or parliamentary arena. For a government that trumpets its openness and accountability, it certainly surprises me that it would oppose this particular innocuous amendment.

The Hon. P. Holloway interjecting:

The Hon. R.D. LAWSON: The minister has repeatedly said in interjection that it is a waste of money but he has also acknowledged that these reports are presently undertaken: undoubtedly they are. This is not a waste of money but is to ensure that money already spent will enable the parliament to scrutinise to some extent at least the effectiveness of the programs.

The Hon. NICK XENOPHON: I indicate my support for the opposition's amendment for these reasons. I note the minister's comments that the money expended would be better expended on these programs. In that I beg to differ because I do not believe we can find out how effective these programs are in terms of taxpayers getting value for money and the effectiveness of these programs, unless there is a degree of independent evaluation. The program does not have to be a full-blown commission of inquiry into what these programs are like. Simply, the legislative amendment moved by the Hon. Mr Lawson requires that there be an independent person to carry out the investigation. I imagine that that would necessarily have to be a full-blown and expensive process. It would be focused on the effectiveness of these programs and, given that the programs are relatively new and are being expanded in terms of the court's discretion, it is important that there be an independent evaluation. You cannot have Caesar evaluating Caesar in the context of these programs and that is why it is good that there is a level of independent scrutiny.

I attended the entire Drugs Summit-an initiative of this government in 2002—and in a number of workshops and discussion groups I attended I was given information in relation to the pilot drug court and drug evaluation program by those within the system which indicated their concern about the way the program was in some cases (I emphasise only in some cases) either not being adhered to or being rorted by some participants. I believe the drug court is a worthwhile program and ought to be encouraged, but the information I had directly from participants involved in the front line of dealing with the drug court and with drug rehabilitation in the context of intervention programs was that there was scope for abuse in some cases and I would have thought that an independent evaluation would be a good way of sorting out where the problems were so that we can all ensure that these sorts of programs are effective and that they deliver the outcomes we all want.

I note the minister's comments that it is a facilitative bill about the administrative framework, but I see no harm in this amendment being moved in this context because it makes clear that, given that there will be an expansion of intervention programs, which we all agree with on both sides of the house, there ought to be a level of independent scrutiny so that the taxpayers of the state get maximum value for their dollar and so that, more importantly, we can be sure that these programs are being as effective as they can be to give people a second chance in life and, ultimately, so that we can have a safer community.

The Hon. IAN GILFILLAN: I indicate Democrat opposition to the amendment. First, it sits inappropriately in this bill, but I doubt whether anyone would question my personal sincerity in being eager to see effective intervention programs introduced into our judicial system, along with restorative justice, rehabilitation and various other measures that have been a large part of my political activity. The assessments, which the shadow attorney-general has acknowledged are being done, we can assume are of reasonable value. The issue as I see it is that those assessments are made available by way of information from the government through whatever channel the government sees fit, because it is very unlikely that a government in an area as sensitive as this will be desperate to paper over intervention programs that are not working. For one thing it is a waste of its money and on behalf of taxpayers it does not want to be seen to be propping up systems and intervention programs that are not working.

I believe that, for the proper planning of future programs, there should be a sharing of results with this parliament, in particular—and I am sure there are thousands of people in the general public who are very interested in the effectiveness of programs and the prospect not only of current programs but also future programs being implemented.

We are not persuaded that this amendment, although it may be very well-intentioned, will produce a particularly effective result. The minister is left to appoint a so-called independent consultant—an independent person. I think that, without reflecting on any minister of any government, it is definitely a subjective choice. The person would be chosen to stand up as being capable of assessment, but I do not believe that this measure offers anything that could not be achieved by a proper question and answer and a government that is prepared to, for its own benefit, share the results of intervention programs. Our opposition is on that basis, in addition to the original matter which I identified: that this is not the legislative vehicle in which this amendment should be moved, in any case.

The Hon. A.L. EVANS: Family First supports the amendment. Down through the years, many government programs have proven to be ineffective and a waste of time and money. I think that an independent investigation would put a brake on that kind of activity and, because of that, I support the amendment.

The Hon. P. HOLLOWAY: I indicate to the Hon. Andrew Evans that, in fact, the programs that have been under way for some time now are anything other than a waste of time or money. I think most of the programs that have been implemented are very good. That is not to say, of course, that in every case these programs will work. Obviously, if you are dealing with people who are addicted, you will have varying degrees of success with programs. I suppose that, if we are having a debate about this, we might want to carry on the debate and ask, 'What exactly is a level of effectiveness? Are they 60 per cent effective, 70 per cent effective?' Who is to know? That in itself becomes the debate.

Proposed clause 1(1) provides that we should appoint an independent person to carry out an investigation and review 'concerning the value and effectiveness of all services included in intervention programs'. It appears that here we are going beyond just looking at the effectiveness of programs, and I wonder just how comprehensive the honourable member would see this amendment to be.

The Hon. R.D. LAWSON: The inclusion of the expression 'services', which was not included in my first amendment, was at the suggestion of parliamentary counsel. I think

the point made is best illustrated by reference to proposed section 21B, which deals with intervention programs. Subsection (2) provides that if the person does not agree to a condition:

> (b) before the court imposes such a condition the court must satisfy itself that—
>
> (i) the person is eligible for the services to be included on the program. . .

Subsection (3) provides:

> The court may make appropriate orders for assessment of the person to determine—
>
> (a) a form of intervention program that is appropriate for the person; and
>
> (b) the person's eligibility for the services included on the program,

This notion of services included in the program is essential to the scheme that is established by this act. One sees throughout the bill not only the intervention program itself but also the services to be included, and it is for that reason that I have included in the subject matter of the evaluation not only the programs but also the services to be provided. It is simply a matter of ensuring that the evaluation relates to the subject matter of the bill.

I would also like to mention my disappointment that the Australian Democrats have not supported the amendment. I suspect, after listening to the Hon. Mr Gilfillan, that he feels that this is in some way a method of attacking intervention programs to which he might be philosophically attracted. I can assure him that that is not the case at all. I know from experience, for example, that in an evaluation of a program it might well be said, 'The trouble with this program is that not enough resources have been put into it,' or that the program has not even started yet, as I remember happened in one particular case, where there was considerable delay in the starting up of a program, of which the parliament was not made aware. Of course, that is not the sort of thing that governments are inclined to announce publicly—that their own programs have not yet got off the ground.

The Hon. P. Holloway: Have you announced it publicly?

The Hon. R.D. LAWSON: No. In fact, it was not announced—I will not even disclose by which government. But it was not announced. Unless parliament has the opportunity to scrutinise these programs in that way, these matters will not come to public attention. The very fact that there is an obligation to table an evaluation will heighten the enthusiasm of the government and of the officers to ensure that the program does work. This is an additional form of accountability—to know that one may have to front up publicly to the parliament and explain one's action or inaction.

The committee divided on the new schedule:

AYES (12)

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

NOES (9)

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

Majority of 3 for the ayes.

New schedule thus inserted.

Title passed.

Bill reported with amendments; committee's report adopted.

Bill read a third time and passed.

STATUTES AMENDMENT (COMPUTER OFFENCES) BILL

In committee.

Clauses 1 to 5 passed.

The Hon. R.D. LAWSON: Can I ask a question of the minister?

The CHAIRMAN: As long as it is a general question.

The Hon. R.D. LAWSON: Could the minister indicate whether similar provisions have been incorporated in the legislation of any other Australian jurisdiction?

The Hon. P. HOLLOWAY: I am advised that there are similar provisions applying in the commonwealth, Victoria and New South Wales.

Title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

LIQUOR LICENSING (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 19 February. Page 1033.)

The Hon. R.D. LAWSON: I rise to indicate that Liberal Party members will have a conscience vote in relation to this bill in so far as it relates to trading in the early hours of Good Friday. This is a matter which the party room decided in accordance with well-established conventions within the Liberal Party—that is, the matter is one for the individual conscience of members. Accordingly, I do not propose to put any party position in relation to this matter. However, there is a procedural provision in the bill which will enable a licensing authority to accept undertakings and to facilitate the more expeditious passage of licensing matters and avoid the necessity for unnecessary hearings and expense.

Those undertakings might be accepted and orders made that will assume that the undertakings are carried into operation. But, if the undertakings are not met, the licensing authority will have appropriate power to ensure that the order does not become effective. That is an initiative that the Liberal Party supports in the interests of administrative and judicial expedition. That said, I commend the government for bringing forward that proposal.

I should say that the Australian Hotels Association has been lobbying for many years for the extension of trading, in certain circumstances, into the early hours of Good Friday. The initial announcement in this case suggested that this facility, subject to the passage of this bill, would be available for this Easter. However, it appears to me that, because the government has failed to deal with the matter expeditiously, it will be difficult for any licensed premises to satisfy the requirements of the bill this year.

As you know, Mr President, Wednesday of this week is Ash Wednesday and Easter is almost upon us, but the provisions of the Licensing Act are such that, if any premises wishes to obtain a trading authorisation into any part of Good Friday, which will now be permitted, they would have to give

28 days notice, and there is an opportunity for objectors, local government, police and neighbours to register objection and to participate in the licensing process.

Therefore, it seems to me that, notwithstanding the undertakings that the government might have given to the Australian Hotels Association, it has been singularly lacking in its capacity to deliver on this occasion.

The Hon. CAROLINE SCHAEFER: As my colleague has said, this is a conscience issue for the Liberal Party. Sadly, it appears that the government does not have a conscience vote, and I suppose that it could be argued that, from time to time, it does not have a conscience.

I rise to indicate that I oppose this bill. The night of Holy Thursday has quite some religious significance in Christian circles: it is one of the few nights of prayer and vigil in commemoration of the Last Supper. Given that we are still at least ostensibly a Christian country, I see no reason why that tradition should not be upheld.

My other reason for opposing this bill is that, although the AHA has indeed been lobbying for this extension of licensing hours on the night before Good Friday for quite some time, over the years a number of small hoteliers have indicated to me that this is about the only night in the year that they have the opportunity to close at midnight, clean up (which means that they do not leave their premises until about 2 o'clock) and spend a full day with their family. As you know, sir, most of them now open even on Christmas Day.

It seems to me that we now have such licensing laws and other retail outlets for liquor that one would have to be incredibly ill prepared not to be able to buy sufficient alcohol to tide oneself over from midnight on Thursday until the early hours of the morning on Easter Saturday.

I see no reason for the introduction of this bill, other than that the Premier has made much of the fact that he will reduce the number of poker machines, much to the ire of the AHA. It seems to me that this measure is a bit of a sop: 'We will take 8 000 gaming machines from you, but we will allow you late-night trading on the night of Holy Thursday.' I oppose the bill.

The Hon. R.I. LUCAS (Leader of the Opposition): I must admit that this matter was not at the top of my list of priorities when I contemplated what the parliamentary session held for us in 2004. Now that it is before us and, as my colleagues have indicated, it is a conscience vote, I will outline what I intend to do.

Not having a strong view on this issue, I was interested to read the debates in the other place. I know that the Attorney-General has fashioned himself as somewhat of a theological adviser to all members of parliament on important issues of religion and religious significance. Therefore, in determining my view, I was interested to read what the Hon. Mr Atkinson said in the other place and, indeed, how he voted. I find that the Attorney-General of this state (Hon. Michael Atkinson) said:

> It is often said that we live in a multi-cultural society. Although Good Friday is observed by many South Australians, there are many others for whom it has no special significance. The Government does not wish to offend Christians but, equally, it considers it fair that those who do not observe Good Friday should be able to enjoy liquor service on the night before what is to them simply just another long weekend.
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> The Government therefore brings before the House a Bill to permit licensees of hotels, clubs, entertainment venues and other licensed premises to apply for an extended trading authorisation to allow them to trade until two a.m. on Good Friday morning. Note that this extension of hours is not automatic and will not necessarily apply to all venues. In each case, the licensee who wishes to trade in this manner would need to apply to the licensing authority for permission. The authority would be required to consider any possible offence or inconvenience to others, including persons attending religious worship nearby. There would be an opportunity for the public, including representatives of churches, to object if they think that the extended trading hours would cause offence or inconvenience. The matter would be in the authority's discretion. If the authority concludes that there would be an unacceptable interference with the conduct of worship, extended trading authorisation would be refused.

The Attorney-General went on to speak about a number of other issues, indicating his support for the legislation before us. Just to be assured of that, there was a division in the other place, when members who were strongly opposed to the legislation called 'divide'. The Attorney-General (Hon. Michael Atkinson) is listed as an aye, supporting the legislation.

Whilst the views of the Attorney-General do not always determine or influence the views that I form on these issues, on this occasion it was certainly one of the factors I took into account when determining my position on the legislation. In reading the debates in the other place, it was interesting to note that the member for Norwood indicated as follows:

> After not having lived in Italy for many years, I was somewhat taken aback when I found that in Rome and every other Italian city, and probably in most European Catholic countries, Good Friday, whilst its religious significance is certain celebrated, is a normal day, when everything happens just as it does on every other day.
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> In fact, if you go to Rome you will find that what happens is that the Pope leads the Good Friday procession from San Giovanni in Laterano, which is the Catholic cathedral in Rome, down to the Colosseum for the celebration on Good Friday evening. But, other than that, everything occurs as normal. Many people are quite surprised when they come here to find that on Good Friday in Australia everything shuts down.

Obviously, members of the Labor Party in the lower house are very good travellers. The member for Reynell recounted her experiences whilst travelling on Good Friday in the United Kingdom. In summary, she highlighted that there was no holiday; that in the United Kingdom all services basically operated as per a normal day. Indeed, it was not even a public holiday.

As is appropriate, our traditions and cultures grow in accordance with the views of the time of the majority of people in the states and the commonwealth of Australia, and they happen to be different from those in Italy or the United Kingdom or other parts of the world. There is nothing wrong with the fact that our culture and traditions in relation to Good Friday are different from those of other countries around the world, and I make no criticism of that. But with the strong views of the Attorney-General and the government on this issue, having been asked to form a view, I must admit that I am not convinced of the need to finish trading in pubs and entertainment venues at midnight.

The government is suggesting that we make it until 2 a.m. I advise members that parliamentary counsel is looking at an amendment on my behalf—and I will need to talk to parliamentary counsel to see whether or not it is a relatively simple amendment—which would treat trading for Holy Thursday evening as for all other Thursday evenings. In summary, I understand that trading on Easter Thursday night would mean that various entertainment venues and hotels—if they wanted to and if they were subject to the various restrictions in the legislation—could stay open until 5 a.m. One of the issues that influences me is that entertainment for young people

these days is much different from what it was when we were their age.

The Hon. T.J. Stephens interjecting:

The Hon. R.I. LUCAS: One of my colleagues says he cannot remember that far back, but I am sure that we can have a go at remembering that far back. These days, young people do not head out until 11 p.m. or midnight. Most of their evening drinking and entertainment seems to go on between the hours of about 11 p.m. and midnight through until 4, 5, 6 or 7 a.m. They then come home, particularly if it is a holiday or a weekend, to sleep through the morning, and they surface around lunch time or early afternoon, depending on what their next day's engagements happen to be.

The Hon. T.G. Roberts: Do the housework for the family.

The Hon. R.I. LUCAS: Yes, do the housework for the family, clean their rooms, all of the above! What we are talking about here is whether or not we should restrict young people's access to Thursday evening entertainment to midnight, which is the current situation, or to 2 a.m., which is what is proposed, or treat it as a normal set of circumstances, that is, through until 5 a.m.

I think that the other thing that we, perhaps, miss in this debate is that one of the reasons that a lot of young people may not be able to commence their evening's entertainment until 11 p.m. or midnight is because a lot of them are working. A lot of young people work through Thursday evening until 10 or 11 p.m. If they happen to work in fast food outlets—and the Hon. Terry Roberts will have had significant local knowledge in relation to that, as indeed do I—or video outlets, hotel outlets, cafes or restaurants, many young people work through until 10 or 11 p.m. or midnight anyway. And, of course, what they do at the end of their shift is head out with their friends for their evening, or early morning, entertainment. It is different from when we were their age when we might have been heading out earlier in the evening and finishing our entertainment at midnight or 1 a.m. or whatever it might happen to have been. These days a combination of part-time work, their own lifestyle changes and access to entertainment venues—particularly here in Adelaide but I am sure in other parts of South Australia as well—mean that a lot of young people achieve their entertainment through those hours of 11 p.m.to 4, 5 or 6 the next morning.

So, with all that, I certainly support the proposition that it ought to be extended until 2 a.m., and, as I said, I flag for members that I am taking advice from parliamentary counsel as to whether it could be treated more like a traditional Thursday evening. My understanding on that is that it would be to approximately 5 a.m. I indicate my support for the second reading and will consider the amendments, if any, during the committee stages.

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

MOTOR VEHICLES (SUSPENSION OF LICENCES OF MEDICALLY UNFIT DRIVERS) 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 *Motor Vehicles (Suspension of Licences of Medically Unfit Drivers Amendment Bill 2003* amends the *Motor Vehicles Act 1959* to restore the power of the Registrar of Motor Vehicles to immediately suspend the driver's licence of a person on receiving information from a legally qualified medical practitioner, registered optometrist or registered physiotherapist or from another source, that the person is suffering from a physical or mental illness, disability or deficiency such that they are likely to endanger the public if they continue to drive.

It has been the practice of the Registrar to suspend driver's licences on the basis of such information. This is done to minimise any risk to the community.

Depending on the nature of the information, the Registrar would give a person 14 days notice of his intention to suspend their licence. This would allow the person, if they were able to furnish evidence of their fitness or ability to drive, to avoid the suspension. In a small number of cases, because of the severity of the person's condition, the Registrar would immediately suspend the licence to protect the community. In order to have the suspension lifted the person would then be required to undergo further tests or medical examinations, or provide other evidence to support their fitness or ability to drive. On receipt of the test or examination results or other evidence, the Registrar would then decide whether the licence would be returned to the person conditionally or unconditionally.

As a result, the community was safeguarded by the Registrar's power to immediately suspend the licence of a person who, in the opinion of a health professional, should not have been driving on a road.

This is the procedure intended by Parliament. However, when the Motor Vehicles Act was amended in 1999 to implement the National Driver Licensing Scheme, section 88(1) and (2) — which allowed the Registrar to impose and remove a licence suspension — were inadvertently removed. It was assumed that section 80 contained the necessary power to immediately suspend the driver's licence of a person who was medically unfit to drive, should it be necessary.

However, late last year the District Court found in *Cummings v Registrar of Motor Vehicles* that section 80 of the Motor Vehicle Act does not enable the Registrar to immediately suspend a licence. Rather, the Registrar must, on receiving information from a health professional, and before suspending the person's licence, require the person to furnish evidence that they are fit and able to drive. Only if the person cannot or will not supply this evidence within a reasonable period can the Registrar proceed to suspend the person's licence.

A real, immediate and substantial risk to the community has been revealed as a consequence of the Court's interpretation of section 80 in *Cummings v Registrar of Motor Vehicle* as it may enable people who should not be behind the wheel of a motor vehicle to continue to drive.

Currently the Registrar receives approximately 50 notifications per week from health professionals that a person is suffering from a physical or mental illness, disability or deficiency such that they are likely to endanger the public if they continue to drive. The severity of their conditions is such that immediate licence suspension is warranted. In a significant proportion of these cases, it is unlikely that the person will attempt to continue to drive as they are incapacitated, significantly disabled by their illness or have heeded professional advice not to drive. However, approximately four per cent represent a significant risk to the community as they tend to wilfully ignore or defy the advice of their health professional not to drive.

Licence suspension will reinforce the advice provided to the person by their health professional that they are not capable of driving safely and are likely to pose an unacceptable risk to the community and themselves should they continue to drive.

Officers from the Department of Transport and Urban Planning have worked with the Crown Solicitor to put in place an emergency procedure to deal with individuals whose licences need to be suspended immediately.

However, these procedures do not represent a long or even medium term solution. They are merely strategies designed to minimise the risk to the community until the Motor Vehicles Act can be amended.

Other approaches to addressing this problem, such as providing the Registrar with the power of immediate suspension by amending

regulations under the Act, or utilising other general powers under the Act, have been explored and found not to be viable.

The amendments to the Act proposed by this Bill are quite straightforward. Clause 4 amends section 80 by inserting a new provision that restores the Registrar's power to immediately suspend a person's licence on receipt of information that the person is suffering from a physical or mental illness, disability or deficiency such that they are likely to endanger the public if they continue to drive.

The clause also amends the section by inserting the phrase, "for such period as the Registrar considers necessary in the circumstances of the case". The intent of this additional amendment is to clearly define the limits of the decision-making process and to allay any perceptions or concerns that the Registrar's powers in determining the period of a licence suspension are virtually unfettered, or that these powers could be misused.

I also note that these amendments to section 80 will in no way diminish a person's right to appeal against a decision of the Registrar. Should a person be dissatisfied with a decision of the Registrar to suspend their licence (including the length of the suspension), the person can seek a review of the decision under section 98Z of the Act. If a person is not satisfied with the outcome of this review, they may, under section 98ZA, appeal against the decision of the Registrar to the District Court.

The Bill also contains a provision to ensure that licence suspensions imposed before the commencement of this measure are valid.

The Bill corrects an anomaly in the Motor Vehicles Act to ensure that it operates as, I believe, Parliament intended.

Most importantly, the Bill seeks to ensure that the community continues to be protected from the dangers posed by individuals who are suffering from a physical or mental illness, disability or deficiency and are a danger to themselves and others if they continue to drive.

I commend the Bill to honourable members.

Explanation of clauses

Part 1—Preliminary

Clause 1: Short title

Clause 2: Amendment provisions

These clauses are formal.

Part 2—Amendment of Motor Vehicles Act 1959

Clause 3: Amendment of section 5—Interpretation

This clause inserts a definition of "health professional" in the principal Act to avoid use of the lengthy phrase "legally qualified medical practitioner, registered optometrist or registered physiotherapist" in sections 80 and 148 of the Act.

Clause 4: Amendment of section 80—Ability or fitness to be granted or hold licence or permit

This clause amends section 80 of the principal Act to enable the Registrar, without having to require a person to undergo tests or furnish evidence of their ability or fitness to drive, to suspend a person's driver's licence or learner's permit (or to refuse to issue or renew a licence or permit, or to vary a licence classification) if satisfied from information furnished by a health professional or from any other evidence received by the Registrar that the person is not competent to drive a motor vehicle or a motor vehicle of a particular class. It also empowers the Registrar to suspend a person's licence or permit for such period as the Registrar considers necessary in the circumstances of the case.

Clause 5: Amendment of section 148—Duty of health professionals

This clause amends section 148 of the principal Act to replace the references to "medical practitioner", "registered optician" and "registered physiotherapist" with "health professional".

Schedule 1—Validation of certain acts

Clause 1: Certain acts validated

This clause validates suspensions of driver's licences and learner's permits purportedly imposed by the Registrar under section 80 of the principal Act before the commencement of this measure that would have been valid if they had been imposed after that commencement.

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

ADJOURNMENT

At 4.48 p.m. the council adjourned until Tuesday 24 February at 2.15 p.m.