

LEGISLATIVE COUNCIL

Monday 22 March 2004

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

QUESTIONS ON NOTICE

The PRESIDENT: I direct that the written answers to the following questions on notice be distributed and printed in *Hansard*: Nos 50, 74 to 87 and 133 to 146 of the last session; and Nos 5 to 18, 46 to 58, 91, 116, 119, 129 to 142, 157 to 193, 195 to 198 and 245 of this session.

AUDITOR-GENERAL'S REPORT

50. The Hon. T.G. CAMERON: How much, in total, including staff time and printing, was the cost of the Auditor-General's final report on the 'Port Adelaide Waterfront Redevelopment Project: Misdirection of Bid Documents'?

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

I have been advised that the Auditor-General has expressed the view that with respect to questions from Members of Parliament concerning the accountability of the Auditor-General, the correct process to follow is provided under the Parliamentary Committees Act, 1991. The Act establishes procedures for referring matters to the Economic and Finance Committee.

That view was expressed by the Auditor-General in his evidence to the Economic and Finance Committee in its inquiry arising from questions asked in the Legislative Council which were the subject of a motion moved and passed by the Legislative Council on 28 November 2001 and referred to the Economic and Finance Committee by Her Excellency the Governor in Executive Council.

The inquiry is the subject of the Committee's 39th Report tabled in the House of Assembly on 17 July 2002.

The view that the appropriate procedure for requiring accountability of the Auditor-General is through the Economic and Finance Committee was confirmed by the then Attorney-General,

the Hon Robert Lawson QC, MLC in a letter to the Auditor-General dated 17 December 2001.

Consistent with that procedure it is a matter for the Legislative Council as to whether it intends to pursue this matter and if so by what means.

PUBLIC PRIVATE PARTNERSHIPS

74-87 (second session), 5-18 (this session).

The Hon. R.I. LUCAS: Asked each minister:

1. List the names and positions of all officers in his department that report to him who attended the Public Private Partnerships conference hosted by the South Australian Government in September 2002?

2. What was the cost of each officer attending the conference?

The Hon. P. HOLLOWAY: The Premier has provided the following information in response to Question On Notice No. 75 asked in the 2nd Session and No. 5-18 asked in the 3rd Session by the Hon. R.I. Lucas:

Premier

1. I am advised that five officers from the Department of Premier and Cabinet attended the Public Private Partnerships Conference held in September, 2002:

- Director, Commercial Advice, Department of Premier and Cabinet;
- Project Adviser, Commercial Advice, Department of Premier and Cabinet;
- Principal Officer, Economic & Environment Policy Branch, Department of Premier and Cabinet;
- Principal Officer, Economic & Environment Policy Branch, Department of Premier and Cabinet; and
- Senior Policy Officer, Economic & Environment Policy Branch, Department of Premier and Cabinet.

2. I am further advised that the cost of each registration was \$2,418.90. One of the purchased tickets was shared between 3 officers, therefore, three registrations were paid for at a total of \$7,256.70.

Deputy Premier

The Deputy Premier has provided the following information:

Table 1 below lists the officers that attended the Public Private Partnerships Conference from the Department of Treasury and Finance:

Table 1

Position	Cost of attending the conference
Director, Account Management – Portfolios	Nil
Outposted lawyer from Crown Solicitor's office working for SAFA	Nil
Deputy Director, Public Private Partnerships Unit	Nil
Director, Public Private Partnerships Unit	Nil
Senior Project Officer, Public Private Partnerships Unit (as proxy for the Director, Public Private Partnerships Unit when he was unable to attend)	Nil

Table 2 lists the officers that attended the Public Private Partnerships Conference from the then Office of Economic Development:
Table 2

Position	Cost of attending the conference
Economic Analyst	\$2,177.01
Principal Project Manager Infrastructure	\$2,418.90
Executive Director Industry Assistance	\$2,177.01
Project Manager Industry Assistance (attended the second day of the conference on behalf of the Executive Director Industry Assistance, who was unable to attend)	Nil

Minister for Agriculture, Food & Fisheries

The Minister for Agriculture, Food and Fisheries, and Minister for Mineral Resources Development has provided the following information:

1. Two officers from Primary Industries and Resources were in attendance at the Public Private Partnerships Conference held in September 2002:

- Manager, Budget Strategy
- Deputy Director, Corporate Strategy and Policy

2. The cost of each officer attending the Conference was \$1,209.45 including GST.

Minister for Government Enterprises

The Minister for Government Enterprises, Energy, Police and Emergency Services has provided the following information:

One staff member from Forestry SA and the Emergency Services Administrative Unit attended the Public Private Partnerships conference:

- Project Manager
The cost for attendance was \$2418.90
- Director, Business Services and Performance Management
The cost for attendance was \$2,418.90.
- Minister for Education & Children's Services
The Minister for Education and Children's Services has provided the following information:

The Director Infrastructure, Department of Education and Children's Services attended the Public Private Partnerships Conference on an invitation and ticket provided by Treasury. There was no cost to the Department or Minister's office.

Minister for Aboriginal Affairs & Reconciliation
The Minister for Aboriginal Affairs and Reconciliation has provided the following information:
No Departments or Agencies in any of my portfolios attended the Public Private Partnerships Conference.

Attorney-General
The Attorney-General has received this advice:
The Director Strategic and Financial Services was the only person registered for Public Private Partnerships Conference hosted by the South Australian Government in September, 2002.
The cost of registration was \$2,418.90 including GST.

Minister for Health
The Minister for Health has provided the following information:

Position	Unit	Cost
Senior Project Officer	Financial Services	\$806.30*
Strategic Analyst	Financial Services	\$806.30*
Senior Project Officer	Financial Services	\$806.30*
Manager	Capital Accounting, Asset Services	Nil**
Manager	Asset Planning, Asset Services	\$1,209.45***
Principal Program Manager	Asset Services	\$1,209.45***
Manager	Magill Training Centre	\$2,418.90
Project Manager	Capital Projects, SAHT****	\$1,209.45
Project Manager	Capital Projects, SAHT	\$1,209.45
Director	Technical Services, SAHT	\$1,209.45
Engineering Consultant	Technical Services, SAHT	\$1,209.45
Project Officer	Capital Projects, SAHT	\$1,209.45
Development Manager	Capital Projects, SAHT	\$1,209.45

* One ticket was shared between three attendees from Financial Services

** One ticket was paid for by the Department of Treasury and Finance

*** One ticket was shared between two attendees from Asset Services

**** Three tickets were shared between the six attendees from the SAHT

Please note that this information will be the same information provided by Minister for Social Justice, who shares portfolio responsibility for DHS.

Minister for Environment & Conservation

The Minister for Environment and Conservation has provided the following information:

1. Manager, Information Management Branch, Environmental Information attended Day Two only
Executive Director, Corporate Strategy and Business Services, Department of Water Land and Biodiversity attended.
2. There was no cost to the Department for Environment and Heritage as the Manager, Information Management Branch, Environmental Information attended in place of a DAIS employee who was unable to attend Day Two.

The Executive Director, Corporate Strategy and Business Services, Department of Water Land and Biodiversity's fees were \$2,418.90.

Minister for Social Justice

See details provided by Minister for Health.

Minister for Transport

The Minister for Transport has provided the following information:

- 1.. The following people attended the Public Private Partnerships Conference hosted by the South Australian Government in September 2002:

- Director, Public Transport Investment Unit
Office of the Chief Executive, Department of Transport and Urban Planning
 - Manager, Public Transport Investment Unit
Office of the Chief Executive, Department of Transport and Urban Planning
 - Director, Integrated Metropolitan Services and Contracts
Passenger Transport Board, Department of Transport and Urban Planning
 - Manager, Business Services
TransAdelaide, Department of Transport and Urban Planning
 - Manager Transport Strategy
Transport SA, Department of Transport and Urban Planning
 - Project Investment Management Manager
Transport SA, Department of Transport and Urban Planning
2. There was no cost to the Office of the Chief Executive as the

Director, Public Transport Investment Unit gave a presentation at the Conference and Manager, Public Transport Investment Unit attended in place of a Transport SA officer who cancelled at the last minute.

The cost for Director, Integrated Metropolitan Services Contract and Manager, Business Services to attend the conference was \$2,418.90 each and the cost for the Manager, Transport Strategy and the Project Investment Management Manager to attend the conference was \$1,999 each.

Minister for Tourism

The Minister for Tourism, Minister for Small Business and Minister for Employment, Training and Further Education has provided the following information:

Nil Response.

The Minister for Science and Information Economy has provided the following information:

- Executive Director IEPO
 - Policy Manager, IEPO
- Cost for each was \$2,199.00 totalling \$4398.00.

Minister for Urban Development & Planning

The Minister for Urban Development and Planning, Gambling, Administrative Services and Assisting in Government Enterprises, has provided the following information:

No officers from Planning SA attended the Public Private Partnerships Conference.

The following staff from the Department for Administrative and Information Services attended the Public Private Partnerships Conference in September 2002:

Title	Cost
Director Policy & Business Reform LSG (EXA)	\$2056.07
Director Major Projects Group (EXB)	\$2418.90
Contracts Officer, Contract Services (AS03)	\$2418.90
Strategist, Future ICT Project (AS08)	\$2418.90
Director, Future ICT Project (EXB)	\$2418.90
Manager, Contracts Govt ICS (AS08)	\$2418.90
Contracts Manager, Govt ICS (AS06)	\$2418.90
Manager, Procurement Support Unit (MAS3)	\$2418.90

Two staff attended from the Information Economy Policy Office,

part of DAIS at the time of the conference, but since transferred to the Department for Further Education, Employment, Science and Technology:

- Executive Director
- Senior Policy Manager

There were no staff from the Gambling Policy Section of the Department of Treasury and Finance that attended the Public Private Partnerships conference.

The following staff from the SA Water attended the Public Private Partnerships Conference in September 2002:

Title	Cost
Head of Water Services Corporation Secretary	\$3298.90
Manager Business Analyst Intellectual Property Management	\$2418.90
Principal Project Manager	\$2418.90
Manager, Contracts & Projects	\$2418.90
Minister for Trade & Regional Development	

The Minister for Trade and Regional Development has provided the following information:

As at September 2002 there were no Departmental staff reporting to the Minister for Trade and Regional Development. All Department for Business, Manufacturing and Trade and office of Economic

Development staff who attend the Public Private Partnerships Conference have been noted in the prepared responses for the Minister for Industry and Investment.

The Minister for Local Government has provided the following information:

I am advised that no officers of the Office of Local Government attended the Conference held in September 2002.

FULL-TIME EMPLOYEES

133-146 (second session), 45-58 (this session).
The Hon. R.I. LUCAS: Will the Minister provide a detailed breakdown, by all departments and agencies responsible to the minister, of the number of full-time employees:

1. As at 30 June 2002; and
2. estimated for 30 June 2003?

The Hon. P. HOLLOWAY: The Premier has provided the following information as a coordinated whole of government response to Question on Notice 133-146 asked during the 2nd Session, and Question on Notice 46-58 asked during the 3rd Session:

I have been advised that the actual number of full-time employees at both June 2002 and 2003 for administrative units responsible to each Minister is as follows:

	Full-time Employees	
	2002	2003
Premier:		
Premier and Cabinet	587	574
Auditor-General's	102	114
Office of Economic Development	-	30
Treasurer:		
Treasury and Finance	526	490
SA Police	4,537	4,609
Minister for Infrastructure:		
Emergency Services Administrative Unit	139	134
Attorney-General's:		
Attorney-General's	984	1,010
State Electoral Office	22	23
Minister for Education and Children's Services:		
Education, Training and Employment	16,032	-
Education and Children's Services	-	13,644
Minister for Correctional Services:		
Correctional Services	1,196	1,230
Minister for Health:		
Human Services	2,852	2,885
Minister for Environment and Conservation:		
Environment and Heritage	1,019	858
Water, Land and Biodiversity Conservation	365	382
Environment Protection Authority	-	187
Minister for Employment, Training and Further Education:		
Further Education, Employment, Science and Technology	-	2,506
Minister for Administrative Services:		
Administrative and Information Services	1,806	1,782
Minister for Transport:		
Transport and Urban Planning	1,764	1,776
Minister for Industry, Trade and Regional Development:		
Business, Manufacturing and Trade	259	206
Minister for Agriculture, Food and Fisheries:		
Primary Industries and Resources	1,202	1,172

CRAIGMORE HIGH SCHOOL

91. **The Hon. T.G. CAMERON:** With regard to the recent report into the operation of the Craigmores High School:

1. Why was the apparent malaise at the school allowed to continue for so long without Education Department intervention?
2. Why were shocking levels of absenteeism and poor academic achievement tolerated and not investigated and rectified?
3. Why was the curriculum allowed to fall behind other schools?
4. Why did some teachers have the power to block suggested changes?
5. Why were some teachers intimidated by Australian Education Union members?
6. How did litter, graffiti and damaged amenities become an accepted part of the school environment?
7. Are there other schools, in either metropolitan or regional areas, in a similar situation to Craigmores?
8. What steps are, or will, the Government be taking to bring Craigmores High School up to acceptable standards?

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

1. The Local Member for Napier, Michael O'Brien, initially raised his concerns regarding Craigmores High School with me. Subsequently on his appointment in January 2003, the new principal of Craigmores High School was alarmed by both the 2002 SACE results and the retention levels for the school. He saw this data as indicative of deeper problems within the school and consulted his District Superintendent. They considered the performance data in more detail and then requested an immediate review of the school, which I supported. The Department's intervention from this point was rapid.

For the two years prior to the appointment of the current principal there was an extended period of leadership instability and over this time the school's poor performance was not as obvious, although information provided by past principals and district superintendents confirms that change was a difficult process due to the culture of the school.

2. As soon as the new principal became aware of the relevant data, immediate action was taken.

The two most relevant sets of data were the retention rates and the SACE results. The 2002 SACE results were the most concerning figures as they pointed to a dramatic decline from 2001. However, even the 2001 results pointed to significantly poorer performance than surrounding schools.

3. The report of the Review conducted indicates that curriculum and many other aspects of the school's operations fell behind accepted practice because the school lost the ability to initiate and implement change. The Review states that this was substantially the result of an ongoing and protracted campaign by a group of staff to block such change.

The culture which was established made it very difficult even for professional dialogue on change to occur, let alone significant curriculum change.

4. and 5. These two questions would require a personal response from the individuals concerned. However, the review report comments that 'The school is characterised by conflict, intimidation and division.'

6. Problems such as these are not acceptable and actions are taken to limit them.

Over the past few months there has been a concerted campaign to 'lift' the appearance of the site. There has been a major campaign on graffiti and a general grounds clean up.

However, the school has been the ongoing target of a very high level of vandalism that occurs outside normal school hours. This can have a disturbing impact on the students and does not help to encourage students to care about their school.

7. My department advises that it is confident that no other school in the government school system is in a similar situation to Craigmores.

The situation at Craigmores has been the result of a unique combination of factors emanating from an entrenched culture of resistance to change that effectively meant that the leadership of the school over several years was not able to begin to address the underlying causes of the poor performance.

8. The review completed by the Department of Education and Children's Services (DECS) lists specific recommendations. There are some 28 such recommendations.

The Principal was instructed to urgently implement those recommendations that relate specifically to current DECS policies and procedures. Some 10 recommendations fit within this category and include areas such as 'performance management' and 'managing significant underperformance'.

Other immediate steps taken to address the situation included:

- appointing highly experienced former school principal Terry Tierney to support the school,
- bringing in university students to mentor year 12 students,
- putting in place a new timetable structure to better cater for the needs of students,
- a future directions forum involving the staff, parents, students and community members at Sunnybrae Farm on 1 December 2003.

Already there has been some improvement, with the school reporting a 12 per cent increase in student attendance during the final three months of the 2003 school year.

Other recommendations will be implemented progressively and a special representative steering committee, chaired by the Director, Schools and Children's Services, will oversee the implementation of these recommendations. DECS will continue to provide additional counselling services to both students and staff at the school as long as these are required.

The support of three well-known organisations has also been enlisted to work with students at Craigmores High School in 2004. Youth Opportunities, the Smith Family and the Royal Australian Air Force will join our efforts to support this school.

Youth Opportunities will provide four intensive 10-week programs to develop the personal skills, self-esteem and planning skills of up to 80 year 10 students. The Smith Family will offer student mentoring and a number of scholarships for disadvantaged students, while the RAAF will provide support to students and the whole school community.

The groups will be working together with the school leadership and school council through the new 'Under Our Wing' project to help the school in its drive to improve student performance.

INDUSTRIAL RELATIONS COURT

116. **The Hon. J. GAZZOLA:**

1. For the 2002-2003 financial year, which Judicial Officers and/or Commissioners have comprised:

- (a) Industrial Relations Court of South Australia
- (b) the Workers Compensation Tribunal?

2. What criteria are used to determine the composition of these full benches?

The Hon. T.G. ROBERTS: The Minister for Industrial Relations has provided the following information:

The Ninth Annual Report of the President, Industrial Relations Commission, and Senior Judge, Industrial Relations Court, 2002-2003 lists the following members:

Senior Judge:

His Honour Judge W D Jennings

Judges:

His Honour Judge F K Cawthorne

His Honour Judge J P McCusker

Her Honour Judge H W Parsons

His Honour Judge B P Gilchrist

His Honour Auxiliary Justice L T Olsson

His Honour Auxiliary Judge G M M Thompson

Industrial Magistrates:

R E Hardy

M Ardlie

L Farrell (Auxiliary)

Industrial Relations Commission of South Australia

President:

His Honour Judge W D Jennings

Deputy Presidents:

His Honour Judge F K Cawthorne

His Honour Judge J P McCusker

Her Honour Judge H W Parsons

His Honour Judge B P Gilchrist

A M Harrison (primary appointment to the Australian Industrial Relations Commission)

P J Hampton (and Enterprise Agreement Commissioner)

Commissioners:

M G G McCutcheon (until March 2003)

J C W Lewin (primary appointment to the Australian Industrial Relations Commission)

J K Lesses (and Enterprise Agreement Commissioner)
 A J Dangerfield (and Enterprise Agreement Commissioner)
 K Bartel (and Enterprise Agreement Commissioner)

(b) Workers Compensation Tribunal

President

His Honour Judge W D Jennings

Deputy Presidents

His Honour Judge F K Cawthorne

His Honour Judge J P McCusker

Her Honour Judge H W Parsons

His Honour Judge B P Gilchrist

R M McCouaig

His Honour Auxiliary Justice L T Olsson

His Honour Auxiliary Judge G M M Thompson

Conciliation/Arbitration Officers

David Gribble

Hanno Kohn

Robert Lawton (until August 2002)

Eric Mostowjy

John Palmer

Carolyn Pike

Michele Player-Brown

Irene Pnevmatikos

Lydia Richards

Chris Richer (until February 2003)

Jenny Russell

Darryl Willson

3. What criteria are used to determine the composition of these Full Benches?

The composition of full benches is determined at the discretion of His Honour Judge W D Jennings in his capacity as:

- Senior Judge of the Industrial Relations Court of South Australia;
- President of the Industrial Relations Commission of South Australia; and
- President of the Workers Compensation Tribunal.

In exercising this discretion His Honour ensures that any full bench 'appeal' matter is not comprised of a person who has prior involvement with the matter being appealed. There are also several legislative requirements. For example in constituting a Full Court, section 21 of the Industrial and Employee Relations Act 1994 states that the Full Court is constituted of two or more Judges (and therefore no Industrial Magistrate may sit on the Full Court).

Section 39 of the Industrial and Employee Relations Act 1994 imposes a number of conditions upon the constitution of Full Commissions and states:

Constitution of Full Commission

39. (1) The Full Commission consists of:
 (a) three members; or

(b) the number of members directed by the President under subsection (2).

(2) If a matter of general principle is to be decided by the Full Commission, the President may direct that the Full Commission should consist of more than 3 members.

(3) The members of the Full Commission are to consist of one or more Presidential Members and one or more Commissioners.

(4) A Commissioner on a Full Bench of the Commission may be an Industrial Relations Commissioner or an Enterprise Agreement Commissioner (or both) but, if the Full Commission is to determine an enterprise agreement matter, at least one member of the Full Commission must be an Enterprise Agreement Commissioner.'

Section 78A of the Workers Rehabilitation and Compensation Act 1986 provides that a Full Bench of the Workers Compensation Tribunal consists of three Presidential Members (and therefore no Conciliation/Arbitration Officer may sit on a full bench).

HEALTH, STAFF REPLACEMENTS

119. **The Hon. J.M.A. LENSINK:**

1. Will the Minister for Health confirm how many permanent staff have replaced agency staff as indicated by the Auditor-General's figures ('Salaries and Wages' have increased by \$5.8 million from \$138.3 to \$144.1 million, while 'Contractors and Agency Staff' have reduced from \$24.4 to \$16.95 million) as listed on pages 566-567 of Part B: Volume II of the Auditor-General's Report, 2002-2003?

2. In what agencies are these additional employees positioned?

The Hon. T.G. ROBERTS: The Minister for Health has provided the following response:

1. In accordance with the Department of Human Services (DHS) savings requirements, for 2002-03, 42 full time equivalent (FTE) permanent staff replaced agency staff. The decrease in 'Contractors and Agency Staff' also reflects the near completion of a number of projects, in particular the department's OACIS Project.

2. DHS has employed 39 FTE staff in their central office, with a further three full time equivalent staff employed in the Aboriginal Housing Authority.

DEPARTMENTAL EMPLOYEES

129-142. **The Hon. R.I. LUCAS:** For each department or agency reporting to the minister, what were the number of people on short-term contracts (and also the FTE number), and also the number of trainees and graduates as at:

1. 30 June 2002; and
2. 30 June 2003?

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

I have been advised that the number and FTE of people on short-term contracts and the number of trainees/apprentices and graduates at June 2002 and 2003 for administrative units responsible to each Minister is as follows:

	Short term contracts (No)		Short term contracts (FTE)		Trainees/Apprentices		Graduates	
	2002	2003	2002	2003	2002	2003	2002	2003
Premier:	125	85	116	82	8	3	24	8
Premier & Cabinet								
Auditor-General's	15	14	15	14	0	1	0	0
Office of Economic Development	-	3	-	3	-	1	-	0
Treasurer:								
Treasury & Finance	128	62	121	60	10	13	6	6
SA Police	77	141	74	132	5	1	2	16
Minister for Infrastructure:								
Emergency Services Administrative Unit	10	0	10	0	0	0	1	0
Attorney-General's:								
Attorney-General's	208	184	202	177	6	19	12	5
State Electoral Office	3	4	3	3	0	0	2	2
Minister for Education and Children's Services:								
Education, Training & Employment	6,831	-	5,757	-	128	-	31	-

	Short term contracts (No)		Short term contracts (FTE)		Trainees/ Apprentices		Graduates	
	2002	2003	2002	2003	2002	2003	2002	2003
Education & Children's Services	-	5,361	-	4,469	-	45	-	11
Minister for Correctional Services:								
Correctional Services	126	211	115	201	3	6	7	0
Minister for Health:								
Human Services	587	504	550	480	44	35	28	19
Minister for Environment and Conservation:								
Environment & Heritage	127	134	121	131	32	15	41	9
Water, Land & Biodiversity Conservation	39	62	39	60	6	2	17	0
Environment Protection Authority	-	13	-	13	-	0	-	2
Minister for Employment, Training and Further Education:								
Further Education, Employment, Science & Technology	-	1,197	-	1,011	-	51	-	5
Minister for Administrative Services:								
Administrative & Information Services	332	164	324	161	78	39	45	20
Minister for Transport:								
Transport & Urban Planning	180	172	169	165	19	28	37	23
Minister for Industry, Trade and Regional Development:								
Business, Manufacturing & Trade	28	32	27	31	6	5	8	2
Minister for Agriculture, Food and Fisheries:								
Primary Industries & Resources	157	140	149	131	13	8	38	10

GOVERNMENT EXPENDITURE

157-170. **The Hon. R.I. LUCAS:** What was the actual level for 2002-2003 of both capital and recurrent expenditure underspending (or overspending) for all departments and agencies (which are classified in the general government sector) reporting to the minister?

The Hon. P. HOLLOWAY: The Treasurer has provided the following information as a coordinated whole of government response to Questions On Notice 157-170 asked during the 3rd Session:

The Department of Treasury and Finance has advised that the answer has been prepared on the basis of a comparison of the original 2002-03 Budget and the actual level of expenditure for 2002-03. There are many reasons for a variation to exist. These could include budget decisions taken during the year, carryovers, accounting reclassifications and revenue offsets (ie additional Commonwealth funding). Accordingly, the attached data should be interpreted cautiously as they do not necessarily measure 'underspending' or 'overspending'.

Recurrent operating expenses less depreciation and revaluations variations (+/-) General Government sector

Minister	Agency	Original Budget 2002-03	Mid Yr Budget Review 2002-03	Variance	Original Budget 2002-03	Actual	Variance
					\$000	\$000	\$000
Rann	Adelaide International Film Festival	0	0	0	0	969	-969
Rann	National Wine Centre	253	2545	-2292	253	4275	-4022
Rann	SA Film Corporation	6209	6209	0	6209	3336	2873
Rann	Administered Items - Premier and Cabinet	2681	2681	0	2681	1700	981
Rann	State Theatre Company of SA	3145	3145	0	3145	3924	-779
Rann	SA Country Arts Trust	6225	6225	0	6225	7433	-1208
Rann	Carrick Hill Trust	869	869	0	869	752	117
Rann	SA Museum Board	8581	8581	0	8581	9545	-964
Rann	Libraries Board of SA	25844	25844	0	25844	28652	-2808
Rann	State Opera of SA	4141	4141	0	4141	3778	363
Rann	Premier and Cabinet				54302	48255	6047
Rann	History Trust of SA	4636	4636	0	4636	4970	-334
Rann	Auditor-General's	9029	9029	0	9029	9405	-376
Rann	Arts SA	116803	116803	0	116803	112238	4565
Rann	Art Gallery Board	7425	7425	0	7425	7694	-269
Rann	Administered Items - Auditor-General's Department	9260	9260	0	9260	9279	-19
Foley	Administered Items - Business, Manufacturing & Trade	1775	1775	0	1775	2254	-479

Recurrent operating expenses less depreciation and revaluations variations (+/-) General Government sector

Minister	Agency	Original Budget 2002-03	Mid Yr Budget Review 2002-03	Variance	Original Budget 2002-03 \$000	Actual \$000	Variance \$000
Foley	Essential Services Commission of SA	6966	6966	0	6966	4302	2664
Foley	Business, Manufacturing and Trade				142860	124946	17914
Foley	SAICORP	38041	38041	0	38041	43663	-5622
Foley	Electric Supply Indust Planning Council	1694	1694	0	1694	1628	66
Foley	Treasury and Finance				62635	60336	2299
Holloway	Administered Items- Primary Industries and Resources				375667	421346	-45679
Holloway	Primary Industries and Resources				146759	179206	-32447
Holloway	Dairy Authority of SA	472	472	0	472	434	38
Conlon	Country Fire Service	31628	32223	-595	31628	37005	-5377
Conlon	Emergency Services Administrative Unit	19141	19141	0	19141	16955	2186
Conlon	Administered Items - Police	61706	58562	3144	61706	55195	6511
Conlon	South Australian Police	382902	385061	-2159	382902	397081	-14179
Conlon	SA Metropolitan Fire Service	71073	71073	0	71073	68537	2536
Atkinson	Justice				1109819	1121032	-11213
Atkinson	Administered Items - Courts Administration Authority	48865	50388	-1523	48865	55400	-6535
Atkinson	Courts Administration Authority	59720	59958	-238	59720	64634	-4914
Atkinson	Attorney-General's	108860	109170	-310	108860	112410	-3550
Atkinson	State Electoral Office	4970	5122	-152	4970	5357	-387
Roberts	Correctional Services	109124	109929	-805	109124	116353	-7229
Roberts	Aboriginal Affairs and Reconciliation				12200	15193	-2993
Hill	Water, Land and Bio Diversity	47319	47319	0	47319	43216	4103
Hill	Administered Items - Water, Land and Bio Diversity				138932	140072	-1140
Hill	Environment and Heritage/Environment Protection Authority				143613	193886	-50273
White/Lomax Smith	DECS/DFEEST				1895821	1913302	-17481
White/Lomax Smith	Administered Items for Education and Children's Services	421188	421188	0	421188	449050	-27862
Lomax-Smith	Info Industries Development Corporation	3114	3114	0	3114	2418	696
Lomax-Smith	Education Adelaide	709	709	0	709	1998	-1289
Lomax-Smith	South Australian Tourism Commission	52467	53067	-600	52467	52663	-196
Weatherill	Administered Items for Administrative and Information Services	28455	28455	0	28455	34949	-6494
Weatherill	Administered Items for Office of Local Government	1400	1400	0	1400	1712	-312
Weatherill	Administered Items for Planning SA	1581	1581	0	1581	1856	-275
Weatherill	Office of Local Government	2666	3082	-416	2666	2694	-28
Weatherill	Outback Areas Community Development Trust	1090	1090	0	1090	1218	-128
Weatherill	Planning SA	23443	22167	1276	23443	20935	2508
Weatherill	Local Government Grants Commission	98333	98333	0	98333	107232	-8899

Recurrent operating expenses less depreciation and revaluations variations (+/-) General Government sector

Minister	Agency	Original Budget 2002-03	Mid Yr Budget Review 2002-03	Variance	Original Budget 2002-03	Actual	Variance
					\$000	\$000	\$000
Weatherill	Administrative and Information Services				484933	506769	-21836
Weatherill	Independent Gambling Authority	1156	1156	0	1156	1149	7
Wright	Recreation and Sport				25245	28656	-3411
Wright	Transport SA	236293	239540	-3247	236293	261182	-24889
Stevens/Key	Human Services				2776457	2895138	-118681
Stevens/key	Administered Items - Human Services	104531	104531	0	104531	103617	914

Note: The variations in this table should be interpreted cautiously. There are many reasons why an agency's final expenditure may differ from the original 2002-03 Budget estimate. A negative variation does not necessarily mean that an agency has 'overspent' its budget.

171-184. **The Hon. R.I. LUCAS:** What was the actual level for 2002-2003 of both capital and recurrent expenditure underspending (or overspending) for each department and agency (which was not classified in the general government sector) reporting to the minister?

The Hon. P. HOLLOWAY: The Treasurer has provided the following information as a coordinated whole of government response to Questions On Notice 171-184 asked during the 3rd Session:

The Department of Treasury and Finance has advised that the answer has been prepared on the basis of a comparison of the original 2002-03 Budget and the actual level of expenditure for 2002-03. There are many reasons for a variation to exist. These could include budget decisions taken during the year, carryovers, accounting reclassifications and revenue offsets (ie additional Commonwealth funding). Accordingly, the attached data should be interpreted cautiously as they do not necessarily measure 'underspending' or 'overspending.'

Recurrent operating expenses less depreciation and revaluations variations (+/-) Non-General Government sector

Minister	Agency	Original Budget 2002-03	Mid Yr Budget Review 2002-03	Variance	Original Budget 2002-03	Actual	Variance
					\$000	\$000	\$000
Rann	Adelaide Festival Centre Trust	35129	35129	0	35129	30656	4473
Foley	RESI Corporation	512	512	0	512	1451	-939
Foley	Generation Lessor Corporation	246	246	0	246	457	-211
Foley	ElectraNet SA (ETSA Transmission Corp)	110	110	0	110	203	-93
Foley	Distribution Lessor Corporation	213	213	0	213	175	38
Wright	Administered Items for PTB	300	300	0	300	513	-213
Wright	TransAdelaide	78036	78036	0	78036	83080	-5044
Wright	Passenger Transport Board	251023	251023	0	251023	256705	-5682
Weatherill	Adelaide Cemeteries Authority	2904	2904	0	2904	3624	-720
Weatherill	SA Government Employee Residential Properties	13624	13624	0	13624	14278	-654
Weatherill	West Beach Trust	5896	7196	-1300	5896	5633	263
Lomax-Smith	Adelaide Entertainment Centre	5715	5715	0	5715	7324	-1609
Lomax-Smith	Adelaide Convention Centre	21449	21449	0	21449	20938	511
Key	South Australian Housing Trust	287635	287985	-350	287635	313790	-26155
Key	Aboriginal Housing Authority	26012	26012	0	26012	25668	344
Conlon	Industrial and Commercial Premises Corporation	40378	40378	0	40378	13799	26579
Conlon	Land Management Corporation	16849	19456	-2607	28354	21488	6866
Conlon	SA Water Corporation	312513	312513	0	312513	333039	-20526
Conlon	Forestry SA Commercial	75294	75294	0	75294	80018	-4724
Conlon	Lotteries Commission of SA	309289	309289	0	309289	316817	-7528
Atkinson	Public Trustee	12292	12292	0	12292	11548	744

Note: The variations in this table should be interpreted cautiously. There are many reasons why an agency's final expenditure may differ from the original 2002-03 Budget estimate. A negative variation does not necessarily mean that an agency has 'overspent' its budget.

DEPARTMENTAL EMPLOYEES

185-198. **The Hon. R.I. LUCAS:** Will the minister provide a detailed break down, by all departments and agencies responsible, of the number of full-time employees:

1. As at 30 June 2003; and

2. Estimated for 30 June 2004?

The Hon. P. HOLLOWAY: The Premier has provided the following information in response to Questions On Notice 185-198:

I have been advised that the number of full-time employees at 30 June 2003 and the estimated number at 30 June 2004 for administrative units responsible to each minister is as follows:

	Full-time Employees	
	2003	Estimated 2004
Premier:		
Premier and Cabinet	574	538
Auditor-General's	114	105
Office of Economic Development (1)	30	N/A
Treasurer:		
Treasury and Finance	490	544
SA Police	4,609	4,654
Minister for Infrastructure:		
Emergency Services Administrative Unit	134	N/A (2)
Attorney-General's:		
Attorney-General's	1,010	1,010
State Electoral Office	23	20
Minister for Education and Children's Services:		
Education and Children's Services	13,644	13,760
Minister for Correctional Services:		
Correctional Services	1,230	1,285
Minister for Health:		
Human Services	2,885	2,957
Minister for Environment and Conservation:		
Environment and Heritage	858	930
Water, Land and Biodiversity Conservation	382	421
Environment Protection Authority	187	216
Minister for Employment, Training and Further Education:		
Further Education, Employment, Science and Technology	2,506	2,400
Minister for Administrative Services:		
Administrative and Information Services	1,782	1,805
Minister for Transport:		
Transport and Urban Planning	1,776	1,760
Minister for Industry, Trade and Regional Development:		
Business, Manufacturing and Trade ¹	206	N/A
Minister for Agriculture, Food and Fisheries:		
Primary Industries and Resources	1,172	1,158

1) Due to become the Department of Trade and Economic Development. Estimated figures at June 2004 are not yet available.

2) Emergency Services Administrative Unit will be disbanded in 2004 and the relevant functions will be absorbed into the SA Fire and Emergency Services Commission and emergency services organisations.

ROAD FATALITIES

245. **The Hon. T.G. CAMERON:** For the years 1999, 2000, 2001, 2002 and 2003:

1. (a) How many fatalities occurred on South Australian roads; and
(b) What were the key causes of these road fatalities?
2. (a) How many serious injuries occurred on South Australian roads; and
(b) What were the key causes of these serious injuries?

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

	1999	2000	2001	2002	2003
Fatalities	153	166	153	154	156
Serious Injuries	1,608	1,600	1,605	1,538	1,453

Note that the serious injury figure for 2003 is provisional, as final processing and checking of data is not complete.

The key causes of road fatalities were reported to be drinking driving, fatigue, speeding, inattention and the non wearing of seatbelts.

The key causes of serious injuries were reported to be inattention, fail to give way, fail to stand, follow too closely and drink driving.

It should be noted that the descriptions of the causes have a degree of subjectivity as recorded data only reflects the opinion of

the involved driver or reporting police officer. For fatal crashes, there is a greater degree of accuracy due to the higher level of investigation and thus information available.

PAPERS TABLED

The following papers were laid on the table:

By the President—

Reports, 2002-2003—
District Council of Robe.
The Flinders Ranges Council.

By the Minister for Industry, Trade and Regional Development (Hon. P. Holloway)—

Australasia Railway Corporation—Report, 2002-03.
Reports—
Land Management Corporation Charter.
Dangerous Area Declarations—1 October 2003 to
31 December 2003.
Report of the Judges of the Supreme Court of South
Australia, 2003.
Road Block Establishment Authorisations—1 October
2003 to 31 December 2003.

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

Reports, 2002-03—
Pika Wiya Health Service Inc.
Langhorne Creek Wine Industry Fund.
Marine Scalefish Industry Fund.
Riverland Wine Industry Fund.
South Australian Apiary Industry Fund.
South Australian Cattle Industry Fund.
South Australian Deer Industry Fund.
South Australian Pig Industry Fund.
South Australian Sheep Industry Fund.
Training and Skills Commission.
Information Industries Development Centre Charter
Report.
Regulation under the following Act—
Chiropodists Act 1950—Fees.

ANANGU PITJANTJATJARA LANDS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I seek leave to make a ministerial statement.

Leave granted.

The Hon. T.G. ROBERTS: I wish to speak today on the recent tragic events in the APY lands and this government's urgent response. Members would be well aware from previous statements and questions in this chamber that the circumstances facing those living in the APY lands have been of concern to me and to this government. I first visited the lands as the shadow minister and saw first-hand some of the problems such as petrol sniffing and the poor living conditions faced by many on the APY lands.

Since becoming the Minister for Aboriginal Affairs and Reconciliation I have visited the APY lands a number of times. I have informed this chamber before that the problems are wide-ranging and that there is no simple solution. The provision of services is hampered by remoteness and inadequate governance structures created more than 20 years ago. This government has been actively addressing this issue. In last year's budget we allocated an extra \$12 million to be directed at better services for the APY lands. Through tier 1—the intergovernmental and interagency committee—the state, the commonwealth and the AP have been working in partnership. The state has been an active participant in the

commonwealth's COAG trial in the APY lands. We have, however, recognised that more needs to be done more quickly, and that is exactly what we are doing.

The week before last I learnt that three young people living on the APY lands had taken their own lives in the first two weeks of March. During the next two days urgent high level meetings were held. The police informed, at one of those meetings, that a further eight young people had attempted suicide. Last week I brought this issue to cabinet and I welcome the resolve that cabinet has shown and the extra resources that have been made available. As a responsible government we cannot tolerate the needless deaths of young South Australians. The central component of our response to this crisis was the appointment of former assistant police commissioner Jim Litster to act as a coordinator of state government services on the APY lands.

Mr Litster has this morning informed the government that, due to family and health issues, he can stay on only as an interim coordinator. Mr Litster will soon visit the APY lands to help establish conditions and report back to the government on the immediate problems and the task at hand. Mr Litster will help us for the next month in coordinating government services. The coordinator will work in partnership with Anangu and agencies to identify services needed and ensure that they are delivered. The government now has a short list of people experienced in delivering services to disadvantaged people in Australia and overseas for welfare and aid organisations who can step in as long-term coordinators for this project.

As an immediate step the Commissioner of Police was given funding to deploy three more officers—including an inspector—to the APY lands. I am advised that those additional officers will be on the APY lands on Wednesday this week. This government's decisive action is not about intervening in land rights, and it is not about mining access. We do not propose to make any changes in this area through this action. This is not about apportioning blame to anyone: it is about making sure that the services needed are provided. No member should underestimate the government's resolve in addressing this issue.

MERCURY 04

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I lay on the table a copy of a ministerial statement on Mercury 04 made earlier today in another place by the Premier.

HEALTH, REGIONAL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I table a ministerial statement on the creation of regional health services in Adelaide made by the Hon. Lea Stevens, Minister for Health.

QUESTION TIME

ANANGU PITJANTJATJARA LANDS

The Hon. R.D. LAWSON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question on the Anangu Pitjantjatjara lands.

Leave granted.

The Hon. R.D. LAWSON: Last Monday morning's *Advertiser* carried a front page story headed 'Disgrace' and disclosed the situation with regard to petrol sniffing and other issues on the Aboriginal lands. Later that day, cabinet announced that it proposed taking action in relation to this matter by, amongst other things, the appointment of a coordinator, Mr Jim Litster, to coordinate government services. Cabinet also endorsed the formation of a whole of government group led by the Department of the Premier and Cabinet to administer state funds working in the community. Following the issue of that statement, the Deputy Premier (Kevin Foley) held a press conference at which he said:

The government has lost confidence in the ability of the executive of the AP lands to appropriately govern their lands.

Last year, the minister announced that he had entered into a memorandum of agreement with the executive of AP and, in particular, Mr Gary Lewis, its chairman, under which government funding of programs on the lands would be channelled through the AP executive.

Last week, a letter was circulated from Makinti Minutjukur of the Pukatja community to the Premier. It said:

At the end of 2002, an extra 12 police were sent up to the lands for three months. Everything started to improve. Extra police stopped people bringing in grog, stopped people running around in cars all night, took cans away from petrol sniffers and tipped out the petrol. Everybody was happy and feeling safe in their communities. Then those extra police went away and we haven't seen them since.

The letter continues:

We are still waiting for the government to act on the Coroner's recommendations. . . The government taking control, telling us what to do and changing the Land Rights Act is not the way to help us with our problems. How can the government change the act without talking to all Anangu first? It seems that some people in government and other places are looking at Anangu and blaming them for the problems. We have been waiting for two years since the APY council executive met with government in Adelaide and made an agreement which Gary Lewis [and the minister] signed about delivery of services to the lands. It is the government that has been slow to act, not the APY council.

My questions to the minister are:

1. Does Mr Gary Lewis and the AP executive still have the confidence of the minister?
2. In relation to the announcement just made about Mr Litster, who was appointed coordinator (whom the Deputy Premier described as administrator of the AP lands last week but has now announced that he is only temporary and will leave shortly), when was Mr Litster first approached about undertaking the appointment to the lands?
3. What is the current status of the memorandum of agreement that the minister entered into with the AP executive which, according to the Deputy Premier, is now to be sacked?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his important questions on a very important issue. It is true that things have moved quickly in relation to the delivery of services on the lands, and there has been a recognition that the funding streams that have been allocated have not met the time requirements of the government and the government has acted decisively to change those circumstances by putting a program together through the Premier and Cabinet's office in conjunction with DAARE.

The situation in relation to the confidence that we have in the APY executive has been raised in the article in *The Advertiser*. We have been rolling out services since our first

budget after coming into government. I have given progress reports in this council in relation to our budget strategy. I have also raised in this council the difficulties that we have had in achieving some of those results (and certainly the select committee has looked at some of the difficulties in regard to remoteness and getting adequate numbers of professional people to service the requirements and the distribution of funds) and the difficulty of coordinating government agencies to channel their funds into single agency support programs where better coordination on the ground for those funds could directly target those issues connected to not just petrol sniffing but also drug and alcohol abuse and family violence.

I make a plea for everyone to take a deep breath in relation to how we deal with these issues because the issues themselves are quite serious. We are prepared to listen to advice from all quarters in relation to better ways of dealing with people in the APY lands. We also have difficulties in Yalata, as I have explained in this council before.

The Hon. A.J. Redford interjecting:

The Hon. T.G. ROBERTS: We have difficulties in Coober Pedy and problems we are trying to come to terms with in the communities of Ceduna and Port Augusta. The government has strategies it takes seriously in relation to how to deal with those problems. We have to engage with the appropriate leaders in those communities and in some cases with local government, state government and the commonwealth government. One of the interjections about whether the *Advertiser* triggered the government's response to these issues in the lands is not the case. We have been trying to deal with these issues for some considerable time.

The Hon. R.D. Lawson interjecting:

The Hon. T.G. ROBERTS: The approach to Mr Litster was made after the cabinet decision to engage a coordinator of activities. I will get an exact time for the approach that was made and bring it back to the council.

The Hon. R.I. Lucas: Answer the question.

The Hon. T.G. ROBERTS: I am answering four questions at the moment. Do I have confidence in—

The Hon. R.I. Lucas: You?

The Hon. T.G. ROBERTS: Inherent in two or three of those questions is the level of confidence the minister has in Gary Lewis. We do have confidence. He is the elected chairperson of APY in its current form. We are drafting a bill to come to terms with the difficult situation with which we are faced, as I have explained in this place, where an election was not called in line with the government's intentions. It should be remembered that we have to deal with leadership across the board in communities—not just the APY—in order to achieve a better way of getting the funding streams governments have available—from the commonwealth, the state and non-profit organisations, including ATSIC—to coordinate the funds to the issues that have been brought before us in such a dramatic way with the loss of those lives in that week. It is not something we are happy with in relation to the time frames for engagement.

I have spoken to Gary Lewis and some senior elders who visited my office last week. I explained that the questions of native title and land management were not issues the government was addressing. We are addressing only the issues of the delivery of government services into those communities to raise the standard of health, education, housing and opportunity in those communities so they can benefit from some of those services being delivered.

Petrol sniffing is a symptom of many other problems within the communities. We do not have to deal with only the problems of petrol sniffing in the early, medium and long-term stages, as well as with alcohol abuse and violence, but we have to raise the standard of living of those people in the communities by offering opportunities that may present themselves through land management issues.

We will be working with the land management body (the APY), service delivery bodies (such as NPY and Nganampa Health) and any other incorporated bodies that may be able to assist us. We will also be using organisations for non-profit, looking at the university's ability to assist the ANU and others. We will have a coordinator with an administrative support team to do exactly that: to coordinate those state government services in the lands whilst engaging the Anangu leadership to deal with questions of cultural sensitivities so that these matters can be dealt with in the best possible way.

The Hon. R.D. LAWSON: I ask a supplementary question. Does the minister agree or disagree with the following statement:

This government has lost confidence in the ability of the executive of the AP lands to appropriately govern their lands.

Does the minister agree or disagree?

The Hon. T.G. ROBERTS: It is not just a matter of yes or no. The Treasurer in another place made a statement on how he saw the issues. We now have a coordinated approach across agencies and at ministerial level, and we will be working with the APY executive to try to bring about a unified approach to the delivery of services on the lands.

The Hon. R.D. LAWSON: I ask a further supplementary question. Does the minister agree or disagree with the following statement:

Self-governance in the Anangu Pitjantjatjara lands has failed. What I say as far as the executive of the AP lands is concerned is: time's up.

Does the minister agree or disagree with that statement?

The Hon. T.G. ROBERTS: Self-governance has failed within the lands. As I have indicated to the house, we will be amending the lands management act (the 1981 act) to bring it into line with current modern day legislation, which should reflect the ability of the APY to have a form of governance. We have been working towards that. Recommendations will come from the select committee to this house at a later date. We recognise that the APY executive is a land management body which is unable to deal with the problems associated with service delivery.

An honourable member interjecting:

The Hon. T.G. ROBERTS: Well, I'm not blaming them—

Members interjecting:

The Hon. T.G. ROBERTS: I am not blaming the APY executive. Under the current act, the APY executive is unable to carry out any role and function which we believe it may be capable of dealing with. During years of neglect, the APY executive has picked up a role that it should not have and for which it was not designed: that is, the management of human services within the lands. Therein lies the failure. I do not blame the individuals of the executive; that committee has been labouring under an act that has not provided adequate support.

The major issue is partnership. We cannot leave the APY executive (or any other body in the lands) on its own in relation to the delivery of funding which the government is

going to put in place. Partnership is the key to working with people in the lands. We have a different culture and a different understanding of what is required. There are very few professional services capable of assisting any of the organisational bodies in the lands, and that is where the interventionary program that we have put together, including the coordinator—

Members interjecting:

The Hon. T.G. ROBERTS: We would hope that those changes to the act and the engagement process will be adequate for us to deal with those problems.

Members interjecting:

The PRESIDENT: Order!

The Hon. J.F. STEFANI: I have a supplementary question. Can the minister advise the council whether he has visited the lands as minister during the term of his ministerial responsibility for the portfolio? Can the minister advise when he first became aware of the problems associated with the management committee structure to which he referred in his answer?

The Hon. T.G. ROBERTS: I thank the honourable member for his questions. I became aware of the dire circumstances in which the communities were living when I visited the lands in opposition. I raised some of the issues publicly. I tried briefing people at the time when we were in opposition in order to draw up policies for when we did get into government. When we did get into government I was able to talk to, with government authority, the APY executive in situ on the lands on a number of occasions. I have had meetings with executive members on a number of occasions in my office at 45 Pirie Street to try to work through a number of issues associated with mining, land management, service delivery, governance and a wide range of other issues.

The council will be pleased to know that we have a wide range of agreement on ways to progress through the many issues faced by the community, and we are working them through and have been during the time that we have been in government. We have a model of governance to put to the community and work our way through in order to improve service delivery and to improve the professionalism and understanding of what is required by APY when engaging the state government in putting those sorts of programs together.

We also engaged other non-profit organisations to describe to the communities what opportunities exist within the lands to change the situation in relation to poverty. So, all those things have been done since we have been in government, and we are trying to work on a number of fronts. There are a number of balls in the air and we have certainly made some progress in relation to engagement. I have had other meetings in Alice Springs with the executive and with organisations which service the lands, including the Northern Territory mental health people. I have spoken to ministers in the Northern Territory because it is our view that you cannot work the programs through the APY lands without engaging the Northern Territory and Western Australian governments. I have also had meetings with COAG representatives at the commonwealth level.

What we have been trying to do since we have been in government is to engage government at all levels and to try to get a coordinated approach to the funding regimes that need to be addressed. I have also left out an important link, which is ATSIC. We are trying to coordinate its funding to make sure that the funding regimes have targets and that we are able to measure outcomes.

The Hon. NICK XENOPHON: I have a supplementary question. Does the advice from all quarters that the minister refers to include advice from Aboriginal leader and activist Noel Pearson, who advocates a zero tolerance approach to substance abuse in indigenous communities or, indeed, any other Aboriginal leader with a similar view?

The Hon. T.G. ROBERTS: I have not engaged Noel Pearson in particular, but I have read his articles from time to time. There are items of common ground that I have with Noel Pearson in relation to recognising problems, but I separate my formula for handling those problems from a lot of what Noel Pearson regards as solutions to those problems.

I engaged Mick Dodson as a mediator to try to resolve a dispute between the Pitjantjatjara council and the AP council at the time that had been running for at least four years under the previous government. I can report that one of those issues—in relation to how Noel Pearson deals with issues—was taken up as a matter of commonsense, and that was to bring the groups within the lands together to try to roundtable a solution so that we are not dealing with a myriad of groups who are warring against each other. We are at sign-off time in relation to the disputes that, historically, have separated the communities in that particular area and we will be going down that track. With zero tolerance in relation to drugs and alcohol, one of the problems we have is that alcohol is being run into the lands from outside.

The Hon. R.D. Lawson: And you are taking police away!

The Hon. T.G. ROBERTS: We are putting three police and an inspector in now. I think what the honourable member is referring to, by way of interjection, is that there was an operation involving a considerable number of police at a particular time which made inroads into some of the running issues—grog or alcohol and petrol—but the letter indicates that a lot of the bad habits were picked up again once those police left. So we are now permanently increasing the police force in that particular area. It is generally acknowledged that to get the communities to run more smoothly we have to eliminate the violence within those communities, and the threats and the fear of violence, and an increased police presence is one of the ways that that can be done.

The Hon. KATE REYNOLDS: I have a supplementary question. Who was present at the urgent high level meetings held two weeks ago that you referred to in your statement?

The Hon. T.G. ROBERTS: There were two meetings that I regarded as urgent. One was held in my office with departmental heads, the Assistant Police Commissioner and health representatives. What I tried to do in the first instance was to draw together those agencies that had responsibilities for service provision within the lands that were being coordinated under tier 1 through DAARE. The CEO of DAARE, Peter Buckskin, was in attendance. That meeting was then duplicated, plus the Premier and Cabinet's people, at a later meeting. I will get a list of the attendees at that meeting but, basically, they were the same people or departmental groups that were part of tier 1 plus Premier and Cabinet representatives.

The Hon. R.D. LAWSON: I have a supplementary question. Was the minister present when the Coroner, Wayne Chivell, gave a presentation to cabinet on his inquest into petrol sniffing in the lands and when he provided his blueprint for solving that issue?

The Hon. T.G. ROBERTS: There was a briefing given to cabinet which I attended; I think that is the only question

that the honourable member is asking. In relation to the Coroner's participation in formulating recommendations and reporting, we gave an undertaking but it was not at a cabinet meeting: it was at a private meeting with Mr Chivell, the Coroner. The departmental head and I indicated that we would keep the Coroner posted about the progress we were making in relation to his recommendations. He thanked us for that. That was the only follow-up meeting I attended with the Coroner.

However, the CEO of DAAR (Peter Buckskin) has attended subsequent meetings to keep the Coroner posted about what the government is doing. He was very thankful for those meetings. He was not surprised but he was quite pleased, because too often he has made recommendations on a wide range of subjects and he is then not kept abreast of any changes that either appear on the horizon or put in place.

We will continue to keep the Coroner informed. Certainly, when the Coroner's report is posted with respect to the extra deaths, we will look at the recommendations from that report. However, I must impress on members that, although a plan of action has been accelerated to take account of the urgency with which we are faced in terms of trying to deal with the issues on the lands, this does not give any guarantee that there will not be more deaths. The nature of petrol sniffing, drug and alcohol abuse and the violence within the communities does not mean that we will not have more tragedies on the lands.

The Hon. A.J. REDFORD: Why was it that the police minister announced the decision to sack the board and not the Minister for Aboriginal Affairs?

The Hon. T.G. ROBERTS: I suspect that I will have to refer that question to the minister in another place and bring back a reply. I would have to refer to the ministers involved those questions that relate to the decision to accelerate the time frames within which we had to operate once the Department of Premier and Cabinet and the Deputy Premier became involved. Unfortunately, at the time when some of the meetings were held I was attending a standing committee meeting with colleagues in this place in Port Augusta. Sometimes the physical impossibilities of transposing yourself from one place to another do not allow you to attend some meetings.

However, I must say that the Department of Premier and Cabinet, in conjunction with DAAR and my office, developed the programs with respect to the intervention that we have devised. It is not as if DAAR and my office have been left out of the process: it is just that the urgency has been recognised. The Treasurer has a right to intervene given that many of the actions that will be taking place will require extra funding. Also, the Premier will be involved to make sure that the bureaucracy has the same sense of urgency to deliver as does the government.

The Hon. A.J. REDFORD: Given the minister's failure to support the statements and criticisms made by the Minister for Police about the board to the media, has the minister considered offering his resignation to the Premier?

The Hon. T.G. ROBERTS: The board has not been sacked. The APY has not been sacked. I have not considered my resignation at all. At present, I am a part of the team that is working with the office of Premier and Cabinet, as I have pointed out. My office is a part of that team. DAAR is an important part of the partnership; and, hopefully, with the available resources, those priorities will be put in place as

soon as possible. I would welcome input from the opposition and the Democrats on the standing committee to try to come to terms with not only these problems but many other problems we face in dealing with Aboriginal people.

The Hon. A.J. REDFORD: Is the minister now saying that the Minister for Police was incorrect when he announced to the media that the board had been sacked?

The Hon. T.G. ROBERTS: The only thing I can say is that the board has not been sacked.

Members interjecting:

The PRESIDENT: Order! The Hon. Mrs Kanck has the call.

The Hon. SANDRA KANCK: Which minister or minister's staff made the initial approach to Mr Litster?

The Hon. T.G. ROBERTS: I will have to refer that question and bring back a reply.

Members interjecting:

The Hon. T.G. ROBERTS: It was not my department.

The Hon. KATE REYNOLDS: Were any alternatives to the appointment of a coordinator considered by Premier and Cabinet?

The Hon. T.G. ROBERTS: I have said that I would bring back a reply in relation to who made the first contact and when. Some options for intervention were considered but the final option, as far as the government was concerned, was the one that we came down with, which was a partnership between the Department of the Premier and Cabinet, DAARE, my office and a coordinator, who will have a secretariat made up of at least three members of the Tier 1 group which was reporting to DAARE in its coordination of cross agencies at the time the new strategy was developed.

The Hon. J.F. STEFANI: I have a supplementary question. Can the minister advise the council whether the Treasurer contacted him before the Treasurer made the announcement in relation to the sacking of the board?

The Hon. T.G. ROBERTS: The board was not sacked, it has not been sacked, and it has offered to work cooperatively as an administrator of the lands with the government in dealing with the issues that it faces. The usual support will be given to the APY executive in relation to the funding and finance of lands management and culture and heritage protection, but the indications are that they will not be involved in managing any of the human services. If members look at the make-up of the APY board, they will note that many of the people on the board, including the two women, are senior Aboriginal people who have traditional owner rights within their community and are senior managers.

The Hon. J.F. STEFANI: I seek a very simple yes or no. Did the Treasurer ring the minister before he made the announcement? Yes or no?

The PRESIDENT: The member cannot ask for a yes or a no. The minister can answer any way he likes.

The Hon. SANDRA KANCK: In making the decision to take action to remove self-rule from the APY, did the government take into consideration the fact that the Pitjantjatjara lands committee is only weeks away from tabling its report and recommendations?

The Hon. T.G. ROBERTS: It was an emergency situation where three young people lost their lives. There were a lot of considerations that could or should have been taken into account and, as I said earlier, there are a lot of

sensitivities involved in the way we have developed our contacts over time in reporting to each other, that is, AP reporting to us and us reporting to them. But, unfortunately, the news of not just the deaths but also eight other attempts accelerated a process that we had in train and running, so some of the protocols that we may have liked to have kept were pushed aside, unfortunately.

The Hon. R.I. LUCAS (Leader of the Opposition): Will the minister clarify that, as Minister for Aboriginal Affairs, he will be in charge of the legislation and will introduce it into the Legislative Council?

The Hon. T.G. ROBERTS: I would expect to be in charge of the legislation and introducing it into the Legislative Council. The legislation is still being drafted and I hope will be in the council when the lower house has finished its debate.

The Hon. R.I. LUCAS: Can the minister confirm that in his statement today he claimed that there were three recent deaths of young people as a result of petrol sniffing and, if that is the case, is that consistent with the statements that the Deputy Premier made publicly?

The Hon. T.G. ROBERTS: I would not like to mislead the council and say that the three deaths were the result of petrol sniffing because, in some cases, medically it is very difficult to diagnose, particularly if a young person has not been found with a can around their neck. One of the problems we have had in the lands is that some 30 deaths have been attributed to petrol sniffing over the last 20 years but people on the lands say that that figure is much higher. The cause of death in a lot of cases is unknown because young people will wander away or older people may tread on broken bottles away from camps and bleed to death but, because it is not directly attributed to petrol sniffing, it is not noted as petrol sniffing on death certificates.

The Hon. R.I. Lucas interjecting:

The Hon. T.G. ROBERTS: Well, the police report that was given—

The Hon. R.I. Lucas: Foley claimed four and you claim three.

The Hon. T.G. ROBERTS: Petrol sniffing also causes severe depression—

Members interjecting:

The PRESIDENT: Order!

The Hon. T.G. ROBERTS: One of the problems associated with petrol sniffing is severe depression, and suicide in some cases may not be attributed directly to petrol sniffing. But, again, speaking anecdotally to the people who are trying to stop petrol sniffing in the communities, they recognise the signs of depression, particularly in young people, and try to intervene. I am not in a position to say whether the three deaths were directly attributable to petrol sniffing through inhalation or associated depression.

The Hon. R.I. Lucas: You stated today that there are three.

The Hon. T.G. ROBERTS: I have stated there were three deaths.

The Hon. R.I. Lucas: How many did Foley say?

The Hon. T.G. ROBERTS: I will have to take on notice the question in relation to what you attribute the fourth death to. What we were told by the police is that—

The Hon. R.I. Lucas: You were told three, were you?

The Hon. T.G. ROBERTS: Mr President, the police informed us at a meeting on Friday 12 March that, in addition

to the three suicides, there were eight suicide attempts in the first two weeks in March. I was told informally that—

The Hon. R.I. Lucas: So, who has told Foley four?

The Hon. T.G. ROBERTS: I am not sure. I will have to refer that question to the minister in another place and bring back a reply.

The Hon. KATE REYNOLDS: How, when and by whom were the APY executive and the people in agencies on the lands informed of the decision of cabinet?

The Hon. T.G. ROBERTS: I would have to take on notice the question of the way in which the executive members were informed because it is now a multi agency and is operating out of at least three ministers' hands—

The Hon. Sandra Kanck: Has it always been a multi agency?

The Hon. T.G. ROBERTS: It has always been a multi agency, but it is the agency that has been coordinating through health, education and other portfolio areas. I will take those questions on notice. It was a question I had to deal with as soon as I knew what the recommendations were to be. I spoke to Gary Lewis in my office with two other senior men who came down from the lands and were in Adelaide at the time. The reporting process was that I was to fly to the lands on Friday evening to engage the APY executive, which was going to be a struggle. However, on fielding some phone calls to the lands it was obvious that most of the senior men were in Adelaide for other business. As soon as possible I asked to meet with the chair, Mr Gary Lewis, and two other senior men—Mr George and Mr—

The Hon. Kate Reynolds: Was that after the announcement?

The Hon. T.G. ROBERTS: That was after the announcement.

The Hon. Kate Reynolds: Two days later.

The Hon. T.G. ROBERTS: That was an explanation at a personal level.

The Hon. T.G. CAMERON: Will the minister confirm or deny that the AP Lands Council asked for approval to spend part of the funding package in November 2003 and, if such a request was sought by the AP Lands Council, why was it not approved?

The Hon. P. HOLLOWAY: I rise on a point of order, sir. After 53 minutes we have had an unprecedented number of supplementaries. My point of order is that any of these questions could be asked as separate questions. They are not genuine supplementary questions, as you, sir, have ruled on previous occasions. We have had 50 minutes of supplementary questions. If members want to raise these issues, let them do so as separate questions and not as fraudulent supplementaries.

The PRESIDENT: With respect to the point of order, the problem is that quite a range of areas were covered in the initial question and which can be attached to almost any supplementary question. The supplementary question really should be in respect of the answer given by the minister, which was broad ranging, giving us almost a potted version of the history of the AP lands for the past 10 years.

To make an observation as the President, we are talking about one of the most serious incidents that have occurred. We are talking about a subject that is a matter of life and death for South Australians, about legislation in which we have all had a part to play. There is an opportunity here for the Legislative Council to do its best work in respect of this subject, and I encourage all members to bear that in mind

when asking questions. The politics is fine—we have had a fair go at that. It would be most helpful if positive questions looking for results were forthcoming. I will allow the Hon. Mr Cameron's question as everybody else has been given the same latitude. The minister can answer the question if he chooses to do so and then perhaps we should get on to question 2, unless somebody has a matter of some urgency.

The Hon. T.G. ROBERTS: The APY signed off on an agreed position in relation to extra funding the government was to offer and had named some communities that were to be beneficiaries of that funding. Unfortunately, it is a different circumstance when dealing with funding regimes in remote regions where traditional business has to be carried out. One of the problems we have in the northern regions of the state is that, during traditional business carried out by the men, in the main, between November and February or March, a lot of people leave the lands, particularly the women and children, and go to other centres such as Ceduna, Koonibba, Yalata, Port Augusta and so on.

The Hon. R.D. Lawson interjecting:

The Hon. T.G. ROBERTS: Well, it is answering the question. The question related to the clearance of funding for the APY executive and others. It is difficult for any agency to deal with problems associated with those regimes in the period between November and February. The government changed its funding offerings because it was not able to be guaranteed that results could be gained from the moneys allocated. The last thing that this chamber would like me to do is to sign off on funding regimes in respect of which the deadlines and the criteria are impossible to meet.

The Hon. SANDRA KANCK: Prior to *The Advertiser* story of 15 March, did the minister have any plans to remove self-rule from the Anangu Pitjantjatjara; and, if so, when were those plans developed?

The Hon. T.G. ROBERTS: This is one of those questions that we get asked from time to time by people who are not very close to the action. I have reported on a number of occasions in this house that we were prepared to work with the AP executive in the interim period after their annual general meeting at which they did not re-elect their sitting members while the election processes were being discussed. We paid respect to a process that was put in place in the absence of any other process. The legislation only allows for the executive to be elected or re-elected at an AGM.

So, we have worked with the executive within the situation as it now stands. We said that we were not happy with the result, that we would have preferred a fresh election, but that in the absence of a fresh election we did not want to be tied up in the courts or get involved in acrimonious confrontation between the government and representatives of the lands, bearing in mind that the APY is a landholding body and not a service delivery body. So, we decided to put in place legislation that recognised those difficulties. We were being flexible. We have reported what our preferred position was—for them to have a general election or re-endorse the sitting members—but that did not happen. We have to work with what is a recognisable body of people but which may or may not be legally constituted as the executive. We were prepared to work with them because they hold a position of leadership within the community and they had been elected under a PR system put together by the previous government which involved nominations being called for within the communities. Those communities nominated their representatives on the executive, so we saw this body as a representative body.

We also acknowledged that there were people who were not happy with that system and who had raised those issues with the opposition, because the opposition had raised it in parliament saying that they were not happy with the situation because some people within the communities had raised objections to the final body. For as long as I have been familiar with the lands, it does not matter who is elected within those communities, there will always be people who are not happy with the outcome. That is the same in every society. In the interim, while we were developing a form of governance that suited the requirements of the government, we decided to engage them to speak on land management, culture and heritage issues only.

The Hon. KATE REYNOLDS: I ask a supplementary question. Apart from comments made by the opposition, when was the government first advised that the APY land council may not be legally valid?

The Hon. T.G. ROBERTS: We advised the AP Council before its annual general meeting of the process that it had to go through to meet the government's requirements under the act. The changed status of the executive occurred as soon as the annual general meeting broke up without the question of either re-endorsement or election being called for. At that stage, we said we were not happy with the outcome, that we would have preferred to have them go through the proper process. We did not say immediately that we would be happy to work with them in what would be seen as a partially constituted state but, as I said, we did not want to go down the path of continuous litigation while trying to procure the goodwill required to enable the changes to which we had already agreed in relation to governance. We were prepared to work with them for a further 12 months until a new form of governance had been worked out, and then there would be a new election for all positions.

In the intervening period, we wanted them to look at the Queensland, Northern Territory and Western Australian models of governance which incorporate a local government model. We had been working with the LGA and the Office of Local Government to try to get a model for discussion in the lands during the intervening period. I hope the legislation we introduce will reflect those sorts of intentions.

BUSINESS, MANUFACTURING AND TRADE DEPARTMENT

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Minister for Industry, Trade and Regional Development a question about the review and restructure of the Department for Business, Manufacturing and Trade.

Leave granted.

The Hon. R.I. LUCAS: In October last year, former minister McEwen made a ministerial statement and a number of other statements about the review of the old Department for Business, Manufacturing and Trade. The minister stated:

I anticipate that the government will make decisions on the review recommendations and approve new departmental arrangements not later than the end of this month—

which was October last year. He stated further:

The review team calls for all positions in the new structure to be declared vacant with all existing staff, of course, having the opportunity to seek employment within the new agency, but, Mr Speaker, it calls for a much leaner, focused and professional

organisation of 98 full-time positions from the current staff complement of more than 200.

My questions are:

1. Will the minister bring back to the council the review recommendations which he and cabinet have agreed will be implemented by him as minister?
2. Will the minister implement the recommendation to reduce the size of the department to 98 full-time positions; and, if not, what other number?
3. When will the minister ensure that there is a full-time permanent chief executive officer actually working within the department?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): The recommendations of the committee that examined the restructure of the Department for Business, Manufacturing and Trade were completed some time last year, and it is my understanding that those recommendations were made public. The Leader of the Opposition is certainly aware that the number that was recommended was 97. There were some measures in the restructure that were put to the cabinet by the previous minister. Many structural changes have already been implemented, including: a merger of the OED and the Department for Business, Manufacturing and Trade, with the OED operating as an interim division of DBMT until the structure of the new Department for Trade and Economic Development is in place. I hope that will happen very shortly, and I hope we do not have to wait too much longer before that can be announced.

There have been a number of transfers of functions from DBMT to other agencies. For example, there was a transfer of support for the Wine Council which has gone to the Department of Primary Industries and Resources SA, and the CIBM food team was also transferred to PIRSA, which has responsibility for those particular functions. Business and Skilled Migration has been transferred to the Department of Premier and Cabinet. A separate infrastructure function has been set up under my colleague the Minister for Infrastructure; that office has been established. The Office of the Venture Capital Board has been established as a separate unit, and there is also a defence unit within the new department. Many changes have taken place and there are seven units within the new department. The appointment of executives for each of those divisions has already been completed.

In relation to the appointment of a chief executive officer, those considerations are very advanced. Again, I hope the government will be in a position to make an announcement about the appointment of a new chief executive officer in the near future. As to the final question asked by the honourable member about the size of the department, I believe it will be a little larger than the 97 that was suggested. The government has gone through that process and I will take the final proposals to cabinet in the near future.

The Hon. R.I. LUCAS: Will the minister bring back to the council, as I asked in the first question, those recommendations of the review—they were made public—agreed to by the government and now to be implemented by the minister?

The Hon. P. HOLLOWAY: That review was certainly supported in principle by the government at the time, but I will get a listing of the detail to the honourable member when I am in a position to do so. As I said, I hope that will be fairly

soon because once the new Department of Trade and Economic Development is established it will be obvious from the structure of that new department that most, if not all, of those recommendations have already been put in place.

PARLIAMENTARY SECRETARY

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking a question of the Hon. Ms Zollo in her position as Parliamentary Secretary to the Minister for Industry, Trade and Regional Development.

Leave granted.

The Hon. CAROLINE SCHAEFER: Soon after the last election, the Hon. Carmel Zollo was appointed Parliamentary Secretary to the Minister for Agriculture, Food and Fisheries, given that her main function in that position was convener of Food SA and the Issues Group for that particular function. Under the recent restructure of the Department of Industry and Trade, as the minister suggested, the entire food team from industry and trade from CIBM was shifted to the Department of Agriculture. Therefore, given that there is no person out of the Department of Industry and Trade now involved with Food SA, what does the Hon. Carmel Zollo perceive her new function to be? In fact, is her function as Parliamentary Secretary to the Minister for Industry, Trade and Regional Development now defunct?

The PRESIDENT: It is a question of particular interest to the member and she is entitled to answer the question or decline.

The Hon. CARMEL ZOLLO: In response to the question asked by the Hon. Caroline Schaefer, I have transferred over as Parliamentary Secretary to the Minister for Industry, Trade and Regional Development. Nonetheless, the Premier has asked me to remain as convener of the Food Council and to also chair the Issues Group for Food South Australia, and to also chair the Issues Group for the South Australian Wine Industry Council, as well as being a member of that council. Essentially, I will be continuing in those roles and I hope the honourable member will see the logic in it, if for no other reason than to maintain the continuity. The honourable member probably would be aware—

An honourable member interjecting:

The Hon. CARMEL ZOLLO: Absolutely; I am really enjoying that role. The honourable member would be aware that last week we had a food summit where we are developing a new state food plan. We very much see the new plan as a strengthened partnership between the food industry and Food South Australia. As the minister mentioned, the CIBM team has joined Food South Australia under PIRSA. At this stage it has progressed extremely well and we believe that we will continue to be on target to see a food industry valued at some \$15 billion by 2010. I am continuing in my role.

REPLIES TO QUESTIONS

PRISON REHABILITATION PROGRAMS

In reply to **Hon. SANDRA KANCK** (25 February).

The Hon. T.G. ROBERTS: The Minister for Correctional Services has advised:

The Department of Correctional Services intends having its enhanced rehabilitation programs in place by 1 July 2004 following the recruitment and training process which is currently underway.

RAIL TRANSPORT FACILITATION FUND

In reply to **Hon. D.W. RIDGWAY** (4 December 2003).

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

1. *Why are the two figures given for the rail transport facilitation fund different? Will the minister explain what has been done with the difference between the two figures?*

The difference of \$137 000 is associated with the timing of the two reports. The supplementary report of the Auditor-General was tabled in Parliament in November 2003, whereas the Auditor-General's main report was tabled in September 2003. The Department of Transport and Urban Planning's financial statements were unable to be published in the main report due to some delays associated with reconciliation processes. When working through the reconciliation processes, it was established that a transaction amounting to \$137 000 should not be classified as associated with the Rail Transport Facilitation Fund. This amount was amended in time for publication in the supplementary report, which incorporates the correct balance of \$6.150 million.

2. *For which projects does the minister intend to use the \$6.15 million or the \$6.23 million dollars remaining in this facilitation fund?*

The Government has made provision for \$8.4 million to be spent from the Rail Transport Facilitation Fund on the South East rail project.

3. *Which rail transport facilitation projects have already been funded by the \$10.83 million paid out of this fund in the last financial year?*

The \$10.083 million paid out of the Fund during 2002-03 relates to the following:

- Payment of a dividend to the Department of Treasury and Finance from the proceeds of the sale of rail properties (\$6.6 million);
- Costs associated with the management of existing rail properties (\$1.23 million);
- Disposal costs associated with the sale of rail properties (\$2.253 million).

The requirement to pay a dividend to the Department of Treasury and Finance was put in place prior to the establishment of the Rail Transport Facilitation Fund.

LOCAL GOVERNMENT, MUTUAL LIABILITY SCHEME

In reply to **Hon. J.F. STEFANI** (4 December 2003).

The Hon. T.G. ROBERTS: The Minister for Local Government has advised:

1. The Minister for Consumer Affairs has advised that the matters raised do not bear on, or raise any issue under, any legislation that he is responsible for. Consequently, he has referred the matter for my consideration. At my request inquiries have been undertaken and advice obtained on the specific matter which is understood to have led to the Honourable Member's question. It is considered that no formal investigation is warranted.

2. Neither the Minister for Consumer Affairs nor I, as Minister for Local Government, have any power of direction over the Local Government Association Mutual Liability Scheme and, as a consequence, will not be considering the issuance of instructions to it. However, I understand that the Scheme is currently reviewing its standard letters, to ensure they correctly reflect the legislation, and has advised councils to prepare information sheets, on these types of matters, that can be handed out to the public.

3. I am not in a position to answer that question and it is recommended that the Honourable member raise this directly with the Scheme.

PARACETAMOL

In reply to **Hon. SANDRA KANCK** (4 December 2003).

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

1. According to information provided by the Births Deaths and Marriages Registration Office, Office of Consumer Affairs, from 1997-2001 there were five deaths in South Australia attributed to paracetamol overdose.

2. It is not possible to ascertain the exact number of cases of paracetamol overdose treated in hospital accident and emergency departments during the five year period July 1998-June 2003 as:

- the coding system used to record diagnosis changed; and
- multiple diagnoses can be included in the recording system for each patient visit.

The Department of Human Service's estimates that in the four year period 1 July 1999-30 June 2003 there were 4600 presentations and 2126 admissions to South Australian hospitals for assessment of paracetamol overdose. Of the estimated 4600 presentations, 3448 are likely to be related to deliberate overdose and 1152 to accidental overdose.

Data on the number of patients treated in hospital for a paracetamol overdose who died and the number likely to have permanent organ damage are not readily available as this would require a detailed examination of each patient's record.

3. Public hospitals have treatment protocols for dealing with paracetamol overdose that are based on information provided by the private companies that produce the necessary antidote and/or the South Australian Poisons Information Centre.

4. Public hospitals require psychiatric evaluation as part of their treatment protocols for patients who present with overdose.

DEATHS IN CUSTODY

In reply to **Hon. R.D. LAWSON** (17 February).

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

The Ombudsman has written to the Chief Executive of the Department for Correctional Services giving notice pursuant to provisions of section 18(1a) of the Ombudsman Act of his intention to conduct an investigation into the circumstances surrounding death in custody and relevant practices and procedures.

SHINE SA

In reply to **Hon. A.L. EVANS** (16 February).

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

The Government has a number of guidelines for publications. The Department of Human Services (DHS) has specific guidelines on the representation of children under the Guardianship of the Minister. Publications are also governed by a range of laws such as anti-discrimination, classification of publications, films and games and the use of the internet.

The UN Convention on the Rights of the Child provides the following general minimum standards for protecting the rights and interests of children:

- Ensuring that the best interests of the child is a primary consideration in all actions of public and private institutions, including courts and legislative bodies.
- Requiring that appropriate legislative and administrative measures are taken to ensure child protection and care.
- Requiring that institutions, services and facilities for the care and protection of children conform with established standards.
- Ensuring that the child's view is given appropriate weight according to age and maturity.
- Providing the opportunity to be heard in any judicial and administrative proceedings through a representative or appropriate body.

In accordance with these guidelines, standards and laws, DHS services seek to value and respect the rights, needs and views of all children and young people as equal and unique citizens; to support and promote their opportunities and choices to achieve the most out of life; and to treat every child and young person with dignity and respect ensuring their safety and their right to a safe, supportive and non-discriminatory environment.

Shine SA provides sexual health information and education to different population groups using concepts and language appropriate to the target audience. Whilst often working with DHS to convey healthy messages to the public, it is not required to seek government approval for individual campaigns.

The Which Wheels poster campaign was developed in consultation with young Aboriginal people, Aboriginal elders and health workers, in collaboration with an Alice Springs High School teacher. It concerns unplanned pregnancy among Aboriginal teenagers, highlights the consequences of early family formation for their life opportunities and those of their children and promotes choice in

family planning through contraceptive use. Teenage pregnancy rates are up to four times higher for Aboriginal women than for non-Aboriginal women in SA and those women are more likely to continue with their pregnancy. It is estimated that 75% of Aboriginal teenage pregnancies are unplanned. Promoting later family formation is critical for education, training and employment that will reduce social inequality.

The image of a crying baby in the Which Wheels poster is neither negative nor positive, but is a realistic representation of the normal behaviour of young babies. It is important that young people are encouraged to only take on parenting responsibilities when they are truly ready to do so.

FOSTER CARE

In reply to **Hon. KATE REYNOLDS** (3 December 2003).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised:

In recent weeks it has come to my attention that a number of children are being fostered by people well beyond the usual age of parenting and the age recommended for foster parenting.

1. *Does the minister consider these arrangements to be satisfactory, and is the placement of a nine year old with foster parents more than 50 years older than the child for whom they are caring consistent with FAYS policy?*

Government and non-government agencies are responsible for recruiting and approving community members to become foster and relative carers, with final approval resting with the Manager, Carer Approval and Registration Service, Department of Human Services (DHS).

To become foster carers, applicants should have a number of skills and competencies. Foster carers should preferably be of an age that allows a child under ten years of age at the time of placement to grow up with carers in the long term and receive appropriate support and care. The DHS (Foster) Carers Assessment Manual, October 1998, provides general standards for approving foster carers, including that there be an age gap of no more than 40 years when the child to be placed is ten years and under.

In South Australia many foster and relative carers are in their older years. The average age of foster carers reflects the demographics of the SA population in general. At 30 November 2003, the average age of foster carers was approximately 49 years of age and the average age of children in care was approximately 10 years of age. Consequently, there are instances where carers have young children placed with them beyond the preferred age gap.

Additionally, for a range of social and economic reasons, the number of new carers being recruited is not keeping pace with the number and needs of children and young people entering alternative care.

All foster carers and their families contribute significantly to the alternative care system in South Australia. They provide many hours and years of care for children and young people and in many cases they provide care for multiple children over extensive years. In some cases young people continue to live with or maintain close relationships with their foster families into their adult years.

2. *How many arrangements for both respite care and long-term care are currently in place where non relative foster parents are more than 25 years older than any of the children they foster?*

It is not possible to provide a figure for the number of placements for both respite care and long term care where the non-relative foster carer is more than 25 years older than any of the children they foster.

At 30 November 2003, approximately 736 children and young people in family based care were under the guardianship of the Minister until 18 years of age. Of these, approximately 601 children or young people (81.7%) had carers who were 25 or more years older and approximately 236 children or young people in long-term placement (32.2%) had carers who were 40 or more years older.

3. *Of these long-term care arrangements, in how many cases is the department expecting the ageing foster parents to care for the children until they turn 18?*

It is preferred that in long-term alternative care placements where children and young people are placed under the guardianship of the Minister until 18 years of age, that this be with the same carer and for the duration of the court order.

4. *What plans does the government have to increase the number of foster parents who meet the age differential requirements?*

The government recently increased the funding to the statewide alternative care program and has opened to tender a new service to recruit and assess new foster carers.

The practice of current contracted alternative care agencies is to continuously recruit foster carers to maintain a pool of foster carers that can meet the diverse care and support needs of children and young people within the age differential requirements and the limit of maximum numbers of children permitted to a foster care household.

Family and Youth Services is focusing on improving identification and assessment of relative carers to ensure children and young people are placed with relatives wherever possible, consistent with the Children's Protection Act, 1993.

CLIMATE CHANGE

In reply to **Hon SANDRA KANCK** (2 December 2003).

The Hon. T.G. ROBERTS: The Minister for Environment and Conservation has advised:

1. No, this Government does not believe that geosequestration is an adequate substitute for a comprehensive policy to limit greenhouse gas emissions. It is but one action of a range of actions that need to be explored by any responsible government.

2. The South Australian Government is working through the Ministerial Council on Energy to address energy sector reforms. In addition, this Government has called upon the Commonwealth Government to ratify the Kyoto Protocol. To date, however, the Commonwealth has refused to do so.

In a South Australian context, the Government has made a commitment to implement a sustainable energy policy for South Australia that complements the National Greenhouse Strategy. It has also committed to the development of a South Australian Greenhouse Plan.

The commitment of this government to energy reform and in particular, its support for renewables, is demonstrated through some of the following examples:

- implementing a comprehensive Energy Efficiency Action Plan for public sector operations, including a 15 per cent reduction of energy use in Government buildings by 2010 and target of 5 per cent green power;
- In January 2003, a four-star energy-rating requirement was introduced via Planning SA in consultation with Energy SA. The four star rating sets a minimum energy performance requirement for new residential buildings.
- maintenance of the \$500-\$700 subsidy scheme for domestic solar water heating systems;
- In 2002 the State Government contracted with AGL for the supply of 32 000 MWh of electricity from renewable generators based in SA for a five-year period. This represents approximately 6.4% of total government electricity use. This renewable energy purchase helped underpin the Starfish Hill wind farm being developed in South Australia. On 30 April this wind farm was activated providing enough renewable electricity for 18 000 South Australian households, or 2% of the State's residential customers.
- \$1.25 million committed to the SA Solar Schools Program, which will allow up to 50 schools and preschools to install solar energy panels.

3. Reforms of the energy sector are most appropriately addressed by the Council of Australian Governments (CoAG) or the Ministerial Council on Energy, rather than the Environment Protection and Heritage Council (EPHC). However, I do intend providing my EPHC ministerial colleagues with a copy of the report of the work undertaken by the CSIRO for the South Australian Government on Climate Change in South Australia.

INDUSTRY, TRADE AND REGIONAL DEVELOPMENT DEPARTMENT

In reply to **Hon. R.I. LUCAS** (1 December 2003).

The Hon. T.G. ROBERTS: The Minister for Industry, Trade and Regional Development has provided the following information:

At 1 July 2002, South Australia's network of overseas offices spanned:

- Tokyo
- Jakarta

- Bandung, West Java
- New York, USA
- Shanghai, People's Republic of China
- Jinan, People's Republic of China
- Hong Kong
- Dubai, United Arab Emirates
- Singapore
- Kuala Lumpur

The Economic Development Board (EDB) in its Framework for Economic Development in South Australia recommended (Recommendation 51) that the Government liaise with industry and Austrade to determine the most appropriate and cost effective means of delivering in-market support services of most benefit to South Australian exporters.

The recent review into the Department for Business, Manufacturing and Trade also considered that there should be a continued focus on rationalising the Government's overseas offices.

The Government had recognised the need for an assessment of its network of overseas offices as early as 16 September 2002 when Cabinet resolved to close the overseas offices in Tokyo and Jakarta effective from 30 September 2002. At the same time, Cabinet also agreed to a 12-month watching brief on the office in Bandung, West Java. Following an assessment of that office during early 2003, Cabinet was subsequently advised through the medium of a Cabinet Pink on 28 July 2003 that this office would also be closed effective from 31 July 2003.

On 13 October 2003 Cabinet approved the closure of the New York office effective from 31 January 2004, in favour of alternative arrangements through Austrade. These arrangements are currently being negotiated.

The Government has responded to the challenges of the EDB and Review Team recommendations by continuing to assess the remaining overseas offices in terms of seeking to build closer alliances with Austrade in those regions where it is practical, efficient and cost effective to do so. Preliminary discussions have been held with Austrade at officer level to identify alternative models and rationalise the Government's overall needs with Austrade's market capabilities to service those needs.

The Government still maintains a direct office arrangement in Shanghai and Jinan, People's Republic of China, Hong Kong, Dubai, United Arab Emirates, Singapore and Kuala Lumpur. The Minister for Industry, Trade and Regional Development is in the process of assessing the Government's continuing representation in these regions and has committed to present an overarching strategy to Cabinet in early 2004.

Region	2003-04 Budget AUD\$'000s
Shanghai, People's Republic of China	660
Jinan, People's Republic of China	85
Hong Kong	840
Dubai, United Arab Emirates	500
Singapore	780
Kuala Lumpur	180
Total	3 045

The 2003-04 budget for these remaining offices was formally approved by the Leadership Team of the Department for Business, Manufacturing and Trade as part of its normal annual budget process at its meeting on 11 June 2003. Obviously these budgets may be affected as a consequence of any future decisions.

GOPHERS

In reply to **Hon. A.L. EVANS** (21 October 2003).

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

1. Will the minister advise if the government is considering introducing any legislative change to regulate the use of motorised scooters in the community?
2. If yes, will the minister advise as to when it intends to introduce these changes?

'Gopher' and 'motorised scooter' are commonly used names for a motorised device that is treated under the Motor Vehicles Act 1959 and the Road Traffic Act 1961 (which includes the Australian Road Rules) as a motorised or self-propelled wheelchair.

Under the provisions of the Motor Vehicles Act 1959, a motorised wheelchair may be driven on roads and footpaths without registration and insurance by a person who, because of some

physical infirmity, reasonably requires the use of a wheelchair. This provision has been in place since 1972.

Provided they do not travel at more than 10 km/h, motorised wheelchairs are considered to be mobility aids rather than a means of transport. It is for this reason that they are dealt with as pedestrians under the Australian Road Rules, and their general use in public areas is confined in the legislation to people with a medical need. If a person cannot demonstrate a legitimate medical need to use the device, it would be treated as a motor vehicle and the user may be charged with driving an unregistered and uninsured vehicle.

As pedestrians, users of motorised wheelchairs are required to comply with the rules covering the activities of pedestrians, including the use of a footpath or nature strip where one is available, keeping to the far left or right of a road where no footpath or nature strip is provided or it is not practicable to travel on the footpath or nature strip, and not driving in bike lanes. They also have the same duty of care to other road users as is applied to anyone else, whether pedestrian, cyclist or driver.

It is not proposed to introduce any changes to the legislation at this time.

GLENSIDE HOSPITAL

In reply to **Hon. T.J. STEPHENS** (1 December 2003).

The Hon. T.G. ROBERTS: The Minister for Health has advised:

1. It is very important that the function of the Royal Adelaide Hospital's Glenside Campus is recognised. Glenside Campus is not a prison or subject to the type of security attached to a prison environment. Glenside Campus is a treatment environment that is based on rehabilitation and progressive treatment of often quite complex mental illness. Both the risk profile and circumstances surrounding persons leaving Glenside Campus without approval reflect this complexity. This is a matter that I have taken very seriously and is being addressed both by the management of the Royal Adelaide Hospital and by the Department of Human Services.

2. A number of steps have been taken to address the gaps in service delivery identified as a result of recent instances of clients leaving Glenside without approval. One such measure is an improvement in risk assessment processes, including:

- the development of clear policies regarding the transfer of detained patients from closed wards to open wards;
- an amendment to missing person incident forms to reflect appropriate risk to the public safety; and
- changes to nursing practice to ensure that the observation of patients is consistent with the level of risk.

Other major changes being implemented include alterations to the physical environment such as enhancing the security of windows to ensure greater safety and increase risk management.

In conjunction with this, the mechanisms for the transfer of clinical information, especially information related to risk, have been improved.

3. The recommendations for changes in risk assessment and management, communication and notification procedures, staff training, and increased campus security, have been implemented in some key environments or are included in new procedures and policies. The process of achieving a significant short term change in these areas is being pursued as a priority within the Department of Human Services. The required longer term reform measures are central to the Government's commitment to broad ranging reform of all mental health services in South Australia.

4. The use of the term secure ward refers to the fact that clients do not have the ability to leave the ward by choice. The ward doors to the patient areas are locked and accessible by keys held only by staff or an electronic key pad. Clients are housed in secure wards in accordance with their assessment indicating that they are of significant potential risk to themselves or to others. Clients can only leave the ward with the agreement of staff and in most cases will be accompanied by staff.

WIND FARMS

In reply to **Hon. J.M.A. LENSINK** (27 November 2003).

The Hon. T.G. ROBERTS: The Minister for Urban Development and Planning has advised:

1. The Minister is satisfied that due process has been followed in the assessment and approval process for the Myponga/Sellicks Hill Wind Farm. He considers that the Major Developments assessment process undertaken for this development has been

thorough, very comprehensive, transparent, and in accordance with the legislation.

Consultation has been extensive and involved 2 formal consultation stages. Firstly on the Major Developments Panel's 'Issues Paper' for a 4 week period in September and October 2002 during which some 88 submissions were received. The second period of consultation on the proponent's 'Public Environmental Report' occurred over a 6 week period from March to May 2003 and resulted in approximately 280 submissions. A public meeting attended by approximately 80-100 people was also held during this period. The consultation was very successful and led to a number of amendments to the proposal to address some of the concerns raised, including the scaling back of the proposal from 34 to 20 turbines.

2. An application for the Kemmiss Hill Wind Farm has been lodged with the District Council of Yankalilla. It is a 'non-complying' form of development which will ensure full public consultation as required by the Act.

3. Local communities are consulted in accordance with the public consultation requirements under the Development Act and Regulations, 1993, which apply to all development applications.

4. The Minister agrees with the statement by Minister for Energy made on 14 October 2003.

5. It is difficult to comment on future planning guidelines or regulations which do not yet exist. However the planning system has to balance competing interests, and wind farm proposals need to be compatible with the surrounding land uses.

6. The Minister is not proposing any amendments to Section 49A but notes that it currently requires the proponent to give notice of the development to the relevant council and that a council may report to the Development Assessment Commission on any matters contained in such a notice.

The Minister for Energy has advised:

7. The Government is actively supporting the development of the renewable energy industry and the reduction of greenhouse gas emissions.

In this regard the Government has already successfully facilitated the development of a number of wind farms. The Starfish Hill Wind Farm has been operating officially since 4 October 2003, supported by a Government decision to purchase renewable energy for its own operations. The Lake Bonney Wind Farm is under construction. Meridian Energy has announced financial close for its Wattle Point Wind Farm on Yorke Peninsula and an intention to proceed to construction within the next several months. A further nine wind farms have received planning approval.

Through SA Water, the Government has actively supported development of two mini-hydro schemes at Anstey Hill and Mt Bold.

The Government is actively encouraging the appropriate development of solar energy. This is being done through a number of initiatives, including the installation of photovoltaic panels on State schools and public buildings and through incentives for the installation of solar generation systems under the Photovoltaic Rebate Program and the Renewable Remote Power Generation Program.

A rebate is also available for the installation of solar hot water systems through the South Australian Solar Hot Water Rebate Scheme. Due to the overwhelming response to this scheme, in March 2003 the State Government committed an extra \$2.6 million in funding for the 18 months following to help the burgeoning number of people who are choosing to install solar hot water systems in their homes.

The Solar Schools Program is a recently initiated program in which the Government is providing \$1.25 million to install photovoltaic panels at schools for the combined purpose of providing opportunities to incorporate sustainable energy into curriculum activities and reducing energy costs to the schools.

The Government has also actively supported the development of the photovoltaic industry in the State by providing substantial practical facilitation, for the establishment by Origin Energy of a new photovoltaic manufacturing facility.

The Government continues to work closely with two large-scale biomass energy proponents in the South East, as well as Geodynamics with their exciting geothermal project in the Moomba Basin.

The Government is supportive of an increase in the Mandatory Renewable Energy Target (MRET). As you may be aware, the Government's submission to the Commonwealth's MRET review urged the Federal Government to increase the target to 4.5% above the base line so that by 2010, 15% of generation will be sourced from renewable sources.

This Government believes MRET is crucial for reducing greenhouse gas emissions as well as renewable industry development. It is vital that a national approach is taken to what is a national and indeed global issue.

On 16 January 2004, the Mandatory Renewable Energy Target Review Panel released their report recommending that the target not be increased for the current 9500 Gwh (less than 2%). This Government is extremely disappointed and is urging the Federal Government to reject the Report.

GRAND CENTRAL AVENUE BRIDGE

In reply to **Hon. T.J. STEPHENS** (14 October 2003).

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

1. In a letter dated 16 September 2003, the City of Marion sought the following information from TransAdelaide:

- whether the bridge is safe to use by motorists and pedestrians;
- any restrictions such as load limit capacity;
- whether there are any structural or operating deficiencies that require repairs or remedial work to maintain the bridge in a safe condition;
- whether the current arrangement (of load limit restriction of 3.5T) is adequate or if more specific road and vehicle restrictions are required to ensure that limitations on the bridge are not exceeded.

TransAdelaide replied to this letter on 29 September 2003 and provided all the information sought above. The City of Marion's letter did not include any request that TransAdelaide release any of the Transport SA Inspection Reports. However, if Council was to formally request copies of the reports from TransAdelaide, they will be made available.

2. Transport SA has responsibility for arterial road bridges over rail lines. These are inspected on a regular basis under a routine inspection program.

Grand Central Avenue Bridge is owned and maintained by TransAdelaide.

TransAdelaide engages Transport SA to carry out routine detailed inspection of TransAdelaide owned bridges. These inspections are carried out at six (6) yearly intervals.

The most recent inspection report was conducted on 1 June 2001.

In addition to the Transport SA 6 yearly detail inspection TransAdelaide carries out an internal 12 monthly visual inspection of all of its bridges including Grand Central Avenue.

RAIL SERVICES

In reply to **Hon. T.G. CAMERON** (15 July 2002).

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

1. *Has TransAdelaide yet prepared or commenced any planning for the retirement and replacement of the 2000 series railway train?*

TransAdelaide has developed an Asset Management Plan for the 2000 series railcars.

Given that the initial life of these railcars was expected to be in the order of 35 years, various upgrades to the interiors and traction engines have occurred. They are now coming to a point where an upgrade is required.

2. *When can the South Australian commuter expect to see new carriages on our line?*

TransAdelaide Asset Management Plan envisages that the 3000 series railcars with appropriate refurbishment will achieve the full design life of 21 years in the period 2008-2015. Various options are being considered for their replacement at that time.

SPEED LIMITS

In reply to **Hon. T.G. CAMERON** (25 September 2003).

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

1. Number of motorists caught speeding in 50km/h zone from 1/6/03 to 30/8/03 (does not include education phase from 1/3/03-30/5/03).

Detections:	19 111
Revenue:	\$1 862 899

This data is for the whole of South Australia. It cannot be split into rural and metropolitan as this information is not independently stored. The revenue includes the VOC Levy.

The Minister for Transport has provided the following information:

2. Since the introduction of the 50 km/h urban default speed limit during March 2003, Transport SA has been liaising with the RAA and is aware of its concerns regarding the default limit applying to nine roads.

As a result, Transport SA surveyed traffic speeds on these roads in July and September 2003, and I find it encouraging that speeds appear to be trending down on several of these roads. The speeds measured indicated that the 50km/h default speed limit is appropriate for most of these roads. Transport SA is undertaking further assessment of these roads, particularly with respect to their nature and role within the road network, as well as operating speeds, and is having discussions with councils.

Experience from the introduction of the 50km/h default speed limit in other States indicates that it will take some time for all motorists to adjust their driving behaviour to the new system of urban speed limits.

3. Transport SA has conducted an extensive post campaign market research survey that indicated widespread awareness and understanding of the general urban default speed limit of 50km/h. On the basis of these findings, it is not intended to continue the mass media component of the education campaign. However, other elements, including print materials, the website and the general inquiry line, will continue.

PAROLE BOARD

In reply to **Hon. IAN GILFILLAN** (11 November 2003).

The Hon. T.G. ROBERTS: The Minister for Correctional Services has advised:

The Department continues to closely monitor the case workload of staff in community correctional centres. Caseloads fluctuate from one period to another, and management considers requests for reallocation of resources or for new resources as required.

In mid 2002, the Department for Correctional Services reviewed the workload of its Community Correctional staff. That review identified a significant increased workload.

A subsequent departmental request for additional staff was approved and in early 2003, the Government provided additional funding to enable the Department to employ 10 more staff in the Community Corrections area. Of these, 2 staff were allocated to the Port Adelaide Community Corrections office.

The Department will continue to monitor workloads to ensure that work levels in Community Corrections offices are appropriate.

SUPPORTED ACCOMMODATION

In reply to **Hon. KATE REYNOLDS** (16 September 2003).

The Hon. T.G. ROBERTS: The Minister for Social Justice has advised:

1. *When will the state government release its financial viability report, which is expected to detail how much money is needed to maintain supported residential facilities or replace them with community based supported accommodation options?*

The report 'Financial Analysis: Supported Residential Facilities in South Australia' was released on 10 November 2003.

2. *Will the minister commit more funds to support people in supported residential facilities?*

The state government provided \$56 million funding over 5 years (2003-04 to 2007-08) to support people in supported residential facilities (SRFs). Of this,

- \$10.19 million was provided in 2003-04 to support SRF residents and contribute to the sustainment of SRFs while a longer-term reform strategy is developed.
- \$11.4 million will be provided in 2004-05.
- \$11.45 million will be provided for the following three years.

3. *What community based accommodation and support options have been developed for people who would prefer an alternative to living in SRFs?*

Over the past two and a half years the Department of Human Services (DHS) has been responsible for the development and implementation of a range of demonstration projects for the provision of supported accommodation for people with complex needs including psychiatric disability.

The projects are being developed to deliver stable housing linked to integrated primary health care and non-clinical rehabilitation support, enabling participants to live independently in the community and to experience an improved quality of life. Non-

government agencies are being contracted through open tenders to provide non-clinical disability support for rehabilitation.

While each of the projects has a specified population focus (such as young people, adults, and Indigenous people) and a range of eligibility criteria, persons must be currently living in unsustainable or inappropriate housing including SRF accommodation to be approved as a participant.

Ten projects are at various stages of implementation at:

- Noarlunga—10-12 adults; primary focus on people with moderate to high support needs; South Australian Housing Trust (SAHT) housing allocation including Commonwealth State Housing Agreement (CSHA) capital funded purchase of 3 additional dwellings; implemented July 2002; evaluation of this project is being finalised.
- Whyalla—6-8 adolescents and young adults; primary focus on prevention and early intervention; SAHT housing allocation; implemented July 2002; evaluation of this project is being finalised.
- South East—6-8 adults; primary focus on people at risk of admission to or unable to be discharged from Glenside without support; SAHT housing allocation; implemented July 2002; evaluation of this project is being finalised.
- Victor Harbor—20 adults; primary focus on people displaced due to local SRF closures; capital funded construction of 15 unit SRF and 6x2 bedroom units; implemented September 2003.
- Port Adelaide—8-10 adults; primary focus on SRF residents with moderate to high support needs; will involve SAHT housing allocation and include CSHA capital funding for housing development or improvements; to be implemented in March 2004.
- Riverland—6-8 Aboriginal youth and young adults; development of a culturally appropriate service model; will involve a mix of SAHT and Aboriginal Housing Authority housing allocation and include CSHA capital funding for additional housing; implemented 1 January 2004.
- Catherine House – 8-10 homeless women; primary focus on homeless women in Salem House and women exiting Glenside; will involve SAHT housing allocation; implemented 1 June 2003.
- Eyre – 7 adults. Primary focus on people with moderate to high needs; currently being evaluated.
- Wakefield/Gawler—7 adults; primary focus on people with moderate to high needs; currently being evaluated.
- Mid North—7 adults, primary focus on people with moderate to high needs; currently being evaluated.

The initial demonstration project in the Salisbury-Elizabeth region was evaluated as highly successful and has been operational for more than two years.

4. *Why are people in South Australia with a mental illness not able to access disability funding allocated through the Commonwealth-State Disability Agreement for their accommodation and support needs?*

The South Australian Disability Services Act 1993 and the Commonwealth States & Territories Disability Agreement 2002-2007 (CSTDA) include 'psychiatric disability' within their jurisdiction. Funding for psychiatric disability can be channelled through the Disability Services Program or, as in South Australia, through Mental Health Services. In either funding scenario there is pressure of demand on services from people with a psychiatric disability.

Psychiatric disability is a nominated disability type under the CSTDA and has the same priority and status as other disability categories. However, because psychiatric disability has not been a funded element of past CSTDA arrangements, services to these people have been funded either through state mental health resources or by limited access to Home and Community Care (HACC) allocations. Access to HACC allocations is occurring in two ways: access to usual HACC funded programs, or, through access to Community Support Inc (CSI) which receives a direct grant from the Disability Service Office.

Work has been proceeding to integrate psychiatric disability into the planning and forward funding considerations of disability services.

For persons with a mental illness there is no overt barrier to accessing commonwealth/state funded services, such as the Supported Accommodation Assistance Program (SAAP), or HACC, using general criteria of assessed need e.g. emergency accommodation rather than disability type.

5. *Will the state government fund the non-government mental health peak body, the Mental Health Coalition of South Australia, to provide a range of services including quality and standards development, education and training, policy development in planning and advocacy in lobbying?*

DHS and the Mental Health Coalition of South Australia are currently well advanced in negotiations, which will see DHS fund the Coalition to undertake preparatory work necessary to establish their long term role. The Coalition's role will be to provide a range of services including quality and standards development, education and training, policy development in planning and advocacy in lobbying.

6. *Will licensing and monitoring of supported residential facilities be reviewed?*

The supported residential facilities sector is administered by local government under the Supported Residential Facilities Act 1992.

The SRF Ministerial Advisory Committee is considering recommending a review of the Act. If the Act is reviewed, changes may be made to the licensing and monitoring of the sector.

7. *Will supported residential facilities residents gain increased access to existing programs such as HACC?*

Over the next 3 financial years a total of \$1 590 500 in HACC funds is to be spent on projects mainly, or totally, related to supported residential facilities residents. Currently, only a small amount of recurrent funding (\$166 500 pa) is provided specifically for SRF residents.

The Minister has approved the use of \$250 000 on a 3 years fixed term basis (ie, \$83 350 pa) to employ a person to work with HACC eligible SRF residents in order to:

- determine their need for HACC types services and/or other forms of aged care; and
- either link them to an appropriate HACC service provider or, where necessary and appropriate, refer them to Aged Care Assessment Teams for assessment of eligibility for residential aged care and then manage their transition into a residential aged care facility able to deliver the required level of care.

The Minister has also approved once-off funding of \$75 000 for Anglicare to employ an SRF worker to work with Boarding House/SRF residents to link them to HACC services. This will be funded separately, with the contractual arrangements based upon Anglicare's submission into the 2002-03 HACC funding round.

8. *Will there be an increase in funding for existing programs that provide assistance in finding and establishing accommodation?*

The business case for supported accommodation being undertaken by DHS is intended to expand the scope of existing programs and develop new accommodation options.

DHS is developing a comprehensive mental health supported accommodation proposal as part of the northern demonstration project.

9. *Will community visitor schemes be established in South Australia?*

The SRF Advisory Committee has supported a recommendation that a visitors scheme be established. DHS will develop this concept and consider the funding requirements within the long-term reform of the SRF sector.

In the meantime, HAAC has provided \$300 000 over three years for the City of Unley, in partnership with the Cities of Marion, Holdfast Bay and Mitcham, for the 'Social Support Scheme for Residents in SRFs in the South' project. The Social Support Scheme intends to assist over 300 residents each year to reduce social isolation and improve wellbeing. The project will recruit groups of trained volunteers to regularly visit residents in their home to establish relationships on a one-to-one basis and encourage and assist residents to interact and participate in their community through established networks, groups and clubs.

It is hoped that this program could be extended across the other key local government areas once it is established.

AUSTRICS

In reply to **Hon. R.I. LUCAS** (3 April 2003).

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

1. *Prior to the appointment of Mr Emms as the Chief Executive Officer, did Mr Emms have any experience with transit scheduling, software production, software support or the sale of complex mission critical software products?*

Mr Emms had limited experience in software production and support, and no experience in transit scheduling or the sale of

complex mission critical software. However, these skills were considered to significantly exist within Austrics and the requirement of the Board was for commercial and marketing expertise and strong leadership characteristics. To this brief, the recruitment exercise was carried out utilising the services of Speakman & Associates and Simon Emms was appointed in April 2001, during the term of the previous Government.

2. *When did the Minister first call for a financial report or statement on the state of the finances of Austrics?*

Following the appointment of the General Manager of TransAdelaide to the Board of Austrics in May 2002, the affairs of Austrics were discussed as part of regular meetings with the Minister. In October 2002 a request was made by the Minister to the Treasurer for an additional short-term loan for Austrics, and a further \$200 000 loan from TransAdelaide to Austrics was approved by the Treasurer.

3. *When was the Minister aware that the company had almost doubled its staff from 18 to 35 people in just over a year on a basically flat revenue stream?*

The increases in staff from 18 to 32 people occurred in the period from March 2001 to February 2002, and it is not known whether the previous Minister was aware of this. As of 5 March 2002 staff numbers were 32 plus one temporary casual. No further increases in staff numbers occurred after this date, and under this Government reductions in FTEs in November 2002 and March 2003 have reduced the number to 17 full-time staff plus one part-time accounting clerk.

4. *Can the Minister confirm that there have been two investigations conducted, one by Treasury and the other by the Auditor-General's department, which the opposition understands were initiated late last year, into allegations of maladministration and breaches of the Public Corporations Act by Austrics staff members? Are those two reports finished, and will the Minister table those reports in the parliament? If not, why not?*

Investigations have been conducted by the Department of Treasury and Finance and the Auditor-General, following allegations made under the Whistleblowers Act. These reports have been completed.

The investigation into this matter found that there was no prima facie evidence to suggest that the Directors of Austrics failed to discharge the duties required of them under the Public Corporations Act 1993. However, the report does conclude that the former Board and the CEO of Austrics displayed poor business judgement in the design and implementation of a major business expansion strategy undertaken over the period 2000-02.

There are no plans to table these reports in Parliament.

5. *Will the Minister provide Parliament with details of the termination conditions of Mr Emms' contract? How much public money will Mr Emms receive during the remaining 12 months of his contract and what duties, if any, will he be required to undertake?*

Termination details of Mr Emms' employment contract are below.

4 Term of Contract

4.1 This Contract shall commence on 9th April 2001 and continue for a fixed term of THREE (3) years concluding on 8th April 2004, unless terminated earlier in accordance with this Contract.

4.2 The parties agree that the Employee's appointment and employment will terminate on the Expiry date unless:

4.2.1 This Contract is terminated prior to the Expiry date in which case the Employee's appointment and employment will terminate at that time;

or

4.2.2 The Employee's appointment and employment is the subject of a new contract of employment pursuant to Clause 5 of this Contract.

4.3 The parties agree that, in consideration of the terms and conditions of this Contract, the employment of the Employee will not be ongoing but will continue only for the Term.

12 Unsatisfactory performance during the contract term

12.1 At any stage during the term of this contract, or following receipt of the written report referred to in Clause 11.2.3, if the Board determines that the Employee's performance is unsatisfactory, the Employee will be provided with a written notice, stipulating the aspects of their performance which the Board considers unsatisfactory. This notice shall provide a time frame within which the Employee's performance in the stipulated area or areas should improve.

12.2 At the completion of the time frame referred to in 12.1, the Employee will either:

12.2.1 be informed that performance has improved to the satisfaction of Board and no further action will be taken; or

12.2.2 be provided with further written notice, providing a final warning that unless the Employee's performance improves in the same stipulated areas, once again within a time frame, Austrics will terminate this contract pursuant to Clause 13.3.

13 Termination of contract

13.1 Notwithstanding the provisions of clause 4.1 and 12, the Employee's employment may be terminated forthwith by Austrics without notice or payment in lieu of notice if at any time during employment by Austrics the Employee:

13.1.1 commits any serious or persistent breach of any of the terms of this Contract;

13.1.2 is guilty of any misconduct or wilful neglect in the discharge of his duties hereunder;

13.1.3 becomes bankrupt or makes any arrangement or composition with his creditors (the Employee is to notify the Board within seven days of such an eventuality);

13.1.4 becomes of unsound mind or under control of any committee or officer under any law relating to mental health;

13.1.5 is convicted of any criminal offence involving dishonesty or for which a term of imprisonment exceeding five years is prescribed or where the offence, in the reasonable opinion of the Board, affects the rendering of the services by the Employee under the Contract, or where the Employee has been sentenced to a period of imprisonment;

13.1.6 causes any legal impediment to arise which prevents or inhibits the Employee from discharging their functions and responsibilities under the Act;

13.1.7 knowingly acts in serious breach of Austrics' written policies in force at the time;

13.1.8 makes improper use of Austrics property;

13.1.9 is incapacitated from performing duties pursuant to the Contract due to ill health of any type for a period of greater than six (6) months (except for ill health which constitutes a compensable disability pursuant to the provisions of the Workers Rehabilitation and Compensation Act 1986).

13.2 In the event of the Contract being terminated pursuant to clause 13.1.4 or 13.1.9 Austrics shall pay to the Employee in addition to any lawfully accrued benefits a lump sum representing the Employee's accrued and as yet unpaid sick leave accumulated in accordance with Clause 15.2.

13.3 In the event that Austrics determines through the Performance Review process that the Employee has failed to reasonably meet the performance expected, and provided that Austrics has complied with the formal warning procedure as specified in Clause 12 above, Austrics may terminate this contract by giving the Employee one (1) months' notice or by making an equivalent payment of compensation in lieu of notice based on the Annual Remuneration Package.

13.4 Notwithstanding clause 4.1 the Employee may terminate the Contract by giving not less than one (1) months notice in writing. All accrued benefits shall be calculated to the date of termination.

13.5 The Employee agrees that any amounts owing by him to Austrics on termination of this Contract may be offset by Austrics against any amount owing by Austrics to the Employee.

13.6 Upon the termination of this Contract the Employee shall deliver up to Austrics or its authorised representative all records, accounts or other documents (and all copies thereof) and property of Austrics and shall give to Austrics all information as to its affairs of which he stands possessed upon reasonable request.

13.7 Austrics may suspend the Employee from duty (with or without payment of some or all of the components of the remuneration package), or may allocate other duties, pending the investigation or determination of any matter within this clause, and in the event of a suspension being revoked, the Employee shall be entitled to any remuneration withheld.

13.8 The parties acknowledge that each of the periods of notice referred to in this clause has been agreed by them as being a fair and reasonable period of notice having regard to the other provisions of this Contract and in particular the remuneration package.

13.9 Should the position of Chief Executive Officer be no longer required due to change of ownership of Austrics, Austrics shall pay to the Employee a lump sum severance amount representing six months pay in addition to any lawfully accrued benefits.

Mr Emms' contract was terminated on 9 April 2003 and the termination payment of \$62 981.00 (6 months' salary) was made as approved by the TransAdelaide/Austrics Board on 26 March 2003.

The Public Corporations Act outlines a set of duties for Board members, in particular 14(2)(b), which provides:

... the Board must for that purpose ensure as far as practical (b) that the corporation and its subsidiaries have appropriate management structures and systems for monitoring management performance against plans and targets and that corrective action is taken when necessary.

What plans and targets were in place at Austrics? Were they met, and was corrective action taken where necessary by the Board?

A Strategic Plan for 2001-2005 was formulated and approved by the Board of Austrics. Annual plans and budgets were formulated for 2001-2002 and 2002-2003 and formed the basis for Charter and Performance Statements.

In 2001-2002, the plans were not met. In this period, the Board took the view that sales were delayed rather than lost, and that it would be inappropriate to cut expenses and damage the sales effort. In 2002-2003, the Board came to the decision that the delay on sales was not likely to be resolved in the short-term, and decisions were taken which resulted in the staff reductions made in that financial year.

7. *Does the Minister believe that Board members have complied with the requirements of the Public Corporations Act and, if not, what action, if any, does he intend to take?*

The investigation into this matter found that there was no prima facie evidence to suggest that the Directors of Austrics failed to discharge the duties required of them under the Public Corporations Act 1993.

MENTAL HEALTH

In reply to **Hon. J.F. STEFANI** (14 July 2003).

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

1. The Department of Human Services is developing a funding model for appropriate allocation of funds for mental health services as recommended by the South Australian Generational Health Review.

Compared with other states and territories South Australian mental health services are well funded.

2. The Department of Human Services is in the process of establishing supported accommodation projects across the four metropolitan and seven country regions.

The service demand for long term supported accommodation for people with disabilities, especially psychiatric disabilities, will be analysed in response to the draft recommendations of the Social Inclusion Board and presented for Cabinet consideration as part of the 2004-05 budget process. As part of this work population assessments, incorporating appropriate locations, will be scoped.

VACCINATION

In reply to **Hon. SANDRA KANCK** (18 February).

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

1. 158 people were vaccinated during the 'Coast Run' promotional campaign for the meningococcal C program. Their ages ranged from 2 years to 54 years of age.

2. The cost of the program was kept to a minimum through the donations from various organisations and the use of existing staff. Additional costs amounted to \$100.

All three pharmaceutical companies which manufacture the meningococcal vaccine supplied the T-shirts which had the names of the companies printed on the back. They also supplied the caps.

The Glenelg Surf Lifesaving Club donated the use of a large tent as a venue. In addition, two small tents were rented for use, with a total cost of \$60. Some lollipops were donated and others were purchased at a cost of \$40, while frisbees were obtained through corporate sponsorship.

The administrative staff and the nurses who provided the immunisations were all staff members with the local councils involved in the program. Other organisations donating staff time were the Southern Division of General Practice and the South Australian Immunisation Coordination Unit of the Department of Human Services.

3. Following vaccination, all patients were advised to remain for 15 minutes to allow staff to monitor side effects and were also advised not to swim or drive for 30 minutes. There was only one occasion when a common side effect was observed. A teenager with

a needle phobia went pale, felt faint but did not faint. The person rested for a while and recovered quickly.

A separate incident occurred following vaccination but was not considered a side effect. One young girl returned to the tent and informed the nurses that she had been told that the vaccine she had received contained poison. The nurses talked with her and alleviated her fears.

4. There were no breaches of the cold chain management. The vaccines were maintained between 2 and 8 degrees Celsius. Electronic minimum/maximum thermometers were used as well as Cold Chain monitor cards.

5. Nurses providing the immunisations during the Coast Run practiced in accordance with the guidelines set by the National Health and Medical Research Council (NHMRC). Valid consent was obtained on every occasion.

6. The South Australian Immunisation Coordination Unit considered it appropriate to ask teenagers what slogan they thought would appeal to their age group. Graphic design students from Onkaparinga TAFE (Noarlunga campus) assisted with the design of the promotional material and devised the slogan 'Do you need a jab'.

DEPARTMENTAL REVIEW

In reply to **Hon. R.I. LUCAS** (10 November 2003).

The Hon. P. HOLLOWAY: Small and medium sized enterprises (SMEs) make a significant contribution to South Australia's economy and will continue to provide services to promote their growth.

An examination of the services currently being delivered to SMEs through the Department for Business, Manufacturing and Trade has revealed cases where services are provided to businesses, at little or no charge to the business. These services deliver benefits that are essentially captured by the business assisted.

It is open to question whether Government funds should be allocated to delivering these types of publicly-funded services, to private businesses, or whether they should be redirected towards activities that generate broader benefit for industry and the South Australian economy.

To complete the restructure of DBMT, further analysis and planning is underway to determine the types of services that are most appropriately delivered to SMEs by Government and the best way of delivering them. The views of the Small Business Development Council and BECs will be considered as part of this process.

DON DUNSTAN FOUNDATION

In reply to **Hon. R.I. LUCAS** (13 October 2003).

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

When considering support to the Don Dunstan Foundation it is important to consider State Government support to the Playford Trust honouring another great SA Premier.

I have been advised that the Playford Memorial Trust was established in 1983 to perpetuate the memory of South Australia's longest-serving Premier, Sir Thomas Playford. The Trust aims to promote, encourage and finance research and development of projects relating to the primary, secondary, tertiary and mining industries which will be of practical use and benefit to South Australia. The initiative came from the Tonkin Government and has enjoyed strong bi-partisan support, as has the Dunstan Foundation.

Initial capital of \$100,000 for the fund came from the Bannockburn Government which also contributed \$20,000 to a subsequent scholarship appeal. A further \$150,000 was given by the Brown and Olsen Governments in support of the 1996 Playford Centenary Scholarship Appeal. In June 2001 the Olsen Government granted \$54,000 for a project to propagate ornamental eucalypt hybrids for commercial production. The Trust has had two public appeals to fund horticulture and aquaculture scholarships.

Since 1995 the Trust been provided with Executive Officer support by the Government of the day through the Department of the Premier and Cabinet, including some facilities assistance, eg photocopying and meeting rooms.

The current Chairman of the Trust is the Hon. David Wotton, and the Deputy Chairman is the Hon. Don Hopgood, AO.

I have been advised that:

1. Mr Lewkowicz is a redeployee with a fallback to a position in the Unattached Unit if his abilities were not being utilised to

support the Don Dunstan Foundation. Taxpayers would meet his salary if he was working to the Don Dunstan Foundation or not.

Mr Lewkowicz retains his public service remuneration and leave entitlements. With normal on-costs, this amounts to \$109,913 per annum.

2. On 27 May 2003, the State Government sent a letter to the Chair of Trustees of the Don Dunstan Foundation, Mr Greg Crafter, concerning the Government's decision to provide a one-off grant of \$55,000 (including GST) towards the Don Dunstan Foundation for program support during the 2003 calendar year.

A joint grant agreement was developed between the Department of the Premier and Cabinet and the Don Dunstan Foundation. This grant agreement focuses on the 'Social Inclusion at Work' project. A copy of the full grant agreement is attached. Schedule One of this grant agreement includes details of the project description, outcomes, budget details and project management as follows:

1. PROJECT DESCRIPTION

Secure and rewarding employment plays a vital role in ensuring the well-being of South Australians. Unemployment and precarious forms of employment can erode this well-being and lead to social exclusion. This project will identify policy options to tackle work related social exclusion.

The project will focus on recent changes in the labour market including the growth of casual and part-time work and the implications of this for living standards and economic prosperity. A profile of the South Australian labour market using new labour market measurement methodologies will be prepared and the policy implications of key trends identified.

The policy implications for South Australia of recent attempts to develop closer conceptual and programmatic linkages between labour market, economic and social inclusion policies will be the primary focus of the project. In this context the project will closely examine the European Employment Strategy (EES) and the range of responses to the EES by EU member countries.

The project will develop a network of local, national and international researchers and practitioners in collaboration with key agencies including the Social Inclusion Unit. The network will focus attention on the relationship between social inclusion and work. The project will result in a range of outcomes as a means of making a contribution to policy development in the area of social inclusion and work.

1. OUTCOMES

A series of policy discussion papers on specific topics will be commissioned to inform the project. These will be the basis of deliberations at a 'Social Inclusion at Work' Roundtable to be held in Adelaide later in the year.

The Premier will be invited to provide an opening address to the Roundtable. In addition it is envisaged that the Roundtable be developed in close collaboration with the Social Inclusion Unit and other State Government agencies in an effort to embed a 'whole of government' approach into the process and outcomes of discussions.

The policy discussion papers and outcomes of the Roundtable will be the basis of a published book designed to inform policy discussion and development in South Australia.

OUTCOME	DESCRIPTION	DEADLINE (APPROX)
Policy Discussion Papers	A series of 4 commissioned papers including: <ul style="list-style-type: none"> · Social inclusion at work—conceptual issues and lessons · Work, family and social inclusion—issues and policies · Unemployment and precarious employment—trends and issues · Social and economic costs of unemployment and precarious employment—issues and policies 	August 2003
Roundtable	A Roundtable involving policymakers and practitioners will be convened to review the Discussion Papers and identify policy and strategic implications of the work.	November 2003
Book	The discussion papers and the outcomes of the Roundtable will be compiled into an edited book for publication.	Jan/Feb 2004

2. BUDGET

The project budget is outlined in the table below:

	OUTCOME	AMOUNT
1	Policy Discussion Papers (4x\$5,000 commissions)	\$20,000
2	Roundtable (airfares, accommodation, meals)	\$5,000
3	Book publishing (underwriting)	\$3,000
4	Administrative assistance (44 days)	\$7,000
5	Project Co-ordination (54 days)	\$15,000
6	GST	\$5,000
TOTAL		\$55,000

3. PROJECT MANAGEMENT

The project will be managed by the Foundation in association with the Australian Institute of Social Research AISR based at the University of Adelaide. The AISR includes the National Centre for Social Applications of GIS led by Professor Graeme Hugo, the Centre for Labour Research led by John Spoehr and the Public Health Information Development Unit led by John Glover.

A representative from the Social Inclusion Unit – Department of the Premier and Cabinet will also be included as a member of the Project Management Group.

3. See response to part 2.

GRANT AGREEMENT FOR SPECIAL APPEALS AND MINOR GRANTS

BETWEEN:

THE PREMIER OF THE STATE OF SOUTH AUSTRALIA a body corporate pursuant to the Administrative Arrangements Act 1994 (SA), for and on behalf of the Crown in right of the State of South

Australia of 200 Victoria Square, Adelaide, South Australia 5000 ("the Premier")

AND

The Don Dunstan Foundation ("the Grantee")

1. GRANT PROCESS

1.1 The Grantee has applied for funding of \$55,000 (includes \$5,000 GST) for the 2003 calendar year to undertake the 'Social Inclusion at Work' project as detailed in Schedule One of the Grant Agreement ("the Project").

1.2 The Premier through the Authorised Delegate of the Department of the Premier and Cabinet ("the Department") has agreed to grant to the Grantee certain funds for the Project.

1.3 The Grantee will sign this Agreement before it is signed by the Authorised Delegate on behalf of the Premier on the understanding that this Agreement will not come into effect and will not bind the parties until the Authorised Delegate has signed the Agreement. Upon the Authorised Delegate signing the Agreement the Grantee will be notified of the amount of funding that the

Grantee will receive for the Project ("the Grant") and this Agreement will have full force and effect. The Grantee acknowledges that the Grant may not be equivalent to the amount of funding for which the Grantee has applied.

1.4 In consideration of the provision of the Grant the Grantee agrees to comply with the terms and conditions set out in this Agreement.

2. AGREED GRANT CONDITIONS:

2.1 Comply with Conditions

The Grantee agrees to abide by all conditions set out in the Premier's Community Initiatives Fund Application Form and the Premier's Initiatives Fund Guidelines Paper ("the Application Documents"), including the acknowledgment of the Government of South Australia's support required by clause 2.5.

2.2 Use of Funding

The Grantee must ensure that the Grant is expended on the approved Project as detailed in clause 1.1 of this Agreement.

2.3 Duration

The Grant is provided for the purposes of the Project and the Project must be completed within twelve months of receipt of the Grant.

2.4 Reporting

2.4.1 The Grantee must comply with any reasonable request from the Premier or the Authorised Delegate to provide information about:

- 2.4.1.1 the administration and/or financial affairs of the Grantee;
- 2.4.1.2 the progress of the Project, including any change to the authorised scope of the Project;
- 2.4.1.3 any significant changes to the nature and scope of the activities conducted by the Grantee;
- 2.4.1.4 any other matter relevant to the granting of assistance; and
- 2.4.1.5 any other financial or other assistance promised or received from any other source.

2.4.2 The information provided to the Premier or the Authorised Delegate in accordance with clause 2.4.1 must be sufficient to enable the Premier or the Authorised Delegate to make an informed judgement about the Grantee's:

- 2.4.2.1 financial position;
- 2.4.2.2 resources and expertise to enable it to undertake the Project;
- 2.4.2.3 performance in:
 - (a) managing public moneys;
 - (b) acquiring and using resources economically and efficiently; and
 - (c) achieving specified objectives;
- 2.4.2.4 compliance with legislation and generally accepted accounting principles;
- 2.4.2.5 compliance with any constitution which govern the body's operations and any conditions attaching to the Grant.

2.5 Acknowledgment

2.5.1 The Grantee must publicly acknowledge receipt of the Grant from the Government of South Australia in accordance with clause 2.5.2 and must provide evidence of this acknowledgment to the Authorised Delegate.

2.5.2 The Grantee must acknowledge the Government of South Australia's support on all promotional materials and publications relating to the Project. When acknowledging this Grant it is mandatory to use the words "This Project is supported by a grant from the Government of South Australia."

2.6 Acquittals

The Grantee must fully complete the Accountability Statement and the Evaluation Report provided by the Authorised Delegate in order for the Department to ensure that the Grant has been expended on the approved Project as detailed in clause 1.1 of this Agreement. In addition, the Grantee must provide copies of receipts for the full grant amount and evidence that it publicly acknowledged the Government of South Australia's support in accordance with clause 2.5.2. This documentation must be provided at the completion of the Project, or at the end of the financial year in which the Project is meant to be completed, whichever is the sooner.

2.7 Amendments

The Grantee must obtain prior written approval from the Authorised Delegate for any changes related to the Project prior to the implementation of those changes by the Grantee. The Authorised Delegate will be under no obligation to approve those changes.

2.8 Breach

2.8.1 The Premier or the Authorised Delegate may terminate this Agreement immediately if:

- 2.8.1.1 the Grant is not used for the Project as detailed in clause 1.1;
- 2.8.1.2 changes to the Project are implemented without prior written approval from the Authorised Delegate;
- 2.8.1.3 the documentation required by clause 2.6 is not satisfactorily completed and/or provided at the completion of the Project;
- 2.8.1.4 the Grant has been provided as a result of misleading information provided by the Grantee;
- 2.8.1.5 the Grantee is subject to any form of insolvency administration.

2.8.2 On termination of this Agreement pursuant to clause 2.8.1 the Authorised Delegate may:

- 2.8.2.1 require the Grantee to repay either the whole or a portion of the Grant immediately, or as directed by the Premier or the Authorised Delegate;
- 2.8.2.2 withhold all future grants;
- 2.8.2.3 pursue any legal rights or remedies which may be available.

2.8.3 The Premier or the Authorised Delegate may review or reverse any decision made pursuant to clause 2.8.2 in the event that the Grantee is able to satisfy the Premier or the Authorised Delegate that it has complied with any conditions which the Premier or the Authorised Delegate may have imposed.

2.9 Unexpended Funds

The Grantee must advise the Authorised Delegate in writing if a portion or the whole of the Grant has not been expended or committed at the completion of the Project. Unless the Authorised Delegate gives approval in writing to use the whole or portion of the Grant for other purposes, the Grantee must repay the whole or portion of the Grant to the Department upon completion of the Project.

2.10 No Partnership or Employment

Nothing in this Agreement constitutes a partnership, joint venture or association of any kind between the Grantee and the Premier or renders them liable for the debts or liabilities incurred by each other.

2.11 Auditor-General

For the purpose of this Agreement, "Auditor-General" means the person holding or acting in the position of Auditor-General in South Australia. Nothing in this Agreement derogates from the powers of the Auditor-General under the *Public Insurance and Audit Act 1987 (SA)*.

2.12 Governing Law

The parties agree that the laws in South Australia govern this Agreement.

2.13 Notices

Any notice, request or other communication required to be given or served under this Agreement shall be in writing and addressed to:

- (a) in the case of the Premier - to the Authorised Delegate;
- (b) in the case of the Grantee - to the Grantee's contact officer specified in the Premier's Community Initiatives Fund Application Form.

3. GST

3.1 The parties acknowledge and agree that all supplies under this Agreement are taxable supplies for the purposes of the A New Tax System (Goods and Services Tax) Act, 1999 ("GST Act").

3.2 The Grant is inclusive of GST, and not subject to adjustment except as expressly provided in this Agreement.

3.3 The Grantee acknowledges that should the supplies under this Agreement not be taxable supplies for the purposes of the GST Act, the Department is entitled to reduce the Grant by the amount which would have been attributable to GST had the supply been a taxable supply.

- 3.4 The Department acknowledges and represents that:
- 3.4.1 it is registered as a Government Related Entity under the GST Act;
- 3.4.2 it satisfies the criteria under the Taxation Commissioner's determination under subsection 29-70(3) of the GST Act, as set out in Australian Tax Office ruling GSTR 2000/10 for a recipient to be entitled to issue a Recipient Created Tax Invoice ("RCTI"); and
- 3.4.3 its Australian Business Number (ABN) is 94 500 415 644.
- 3.5 The Department must inform the Grantee immediately if it ceases to be registered under the GST Act, or if any other representation made in the preceding sub-clause ceases to be true.
- 3.6 The Grantee acknowledges and represents that it is registered under the GST Act and that its ABN is as shown in the execution clause.
- 3.7 The Grantee must inform the Department immediately if it ceases to be registered under the GST Act.
- 3.8 The Department may issue a RCTI in respect of any taxable supply under this Agreement.
- 3.9 The Grantee must not issue any tax invoice in respect of a taxable supply under this Agreement.
- 3.10 The Grantee will forward the GST gross up portion of the Grant received from the Department to the Australian Taxation Office in compliance with the GST Act. SCHEDULE ONE

THE DON DUNSTAN FOUNDATION

PROJECT TITLE: SOCIAL INCLUSION AT WORK

1. PROJECT DESCRIPTION

Secure and rewarding employment plays a vital role in ensuring the well-being of South Australians. Unemployment and precarious forms of employment can erode this well-being and lead to social

exclusion. This project will identify policy options to tackle work related social exclusion.

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The policy implications for South Australia of recent attempts to develop closer conceptual and programmatic linkages between labour market, economic and social inclusion policies will be the primary focus of the project. In this context the project will closely examine the European Employment Strategy (EES) and the range of responses to the EES by EU member countries.

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2. OUTCOMES

A series of policy discussion papers on specific topics will be commissioned to inform the project. These will be the basis of deliberations at a 'Social Inclusion at Work' Roundtable to be held in Adelaide later in the year.

The Premier will be invited to provide an opening address to the Roundtable. In addition it is envisaged that the Roundtable be developed in close collaboration with the Social Inclusion Unit and other State Government agencies in an effort to embed a 'whole of government' approach into the process and outcomes of discussions.

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The project budget is outlined in the table below.

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EXECUTED AS AN AGREEMENT:

SIGNED for and on behalf of the
PREMIER in the presence of: Authorised Delegate: -

Name: Desi Angelis
Position: Senior Project Officer
Date: _____

Witness: _____
Name: Barbara Bertram
Position: A/R Officer

Date: _____
 NAME OF THE GRANTEE The Don Dunstan Foundation
 GRANTEE'S ABN 71 448 549 600
 SIGNED for and on behalf of the
 GRANTEE in the presence of: Authorised Officer: -

Name: _____

Position: _____

Date: _____

Witness: _____

Name: _____

Position: _____

Date: _____

SCHMIDT, Mr D.

In reply to **Hon. R.D. LAWSON** (25 November 2003).

In reply to **Hon. NICK XENOPHON** (25 November 2003).

The Hon. P. HOLLOWAY: The Attorney-General has provided the following information:

I am advised that the Solicitor-General is considering this case as part of his review of the charge negotiation process.

Consideration of the specific matters raised by the Honourable Members; questions should await the outcome of the Solicitor-General's review.

ROUNDUP READY CANOLA

In reply to **Hon. IAN GILFILLAN** (17 February 2004).

In reply to **Hon. J.F. STEFANI** (17 February 2004).

In reply to **Hon. NICK XENOPHON** (17 February 2004).

The Hon. P. HOLLOWAY: The Minister for Agriculture, Food and Fisheries has provided the following information:

I am aware of the Roundup Ready Canola 2004 Crop Management Plan and Resistance Management Plans, and that they have been examined by officers in my Department.

Commercial farmer sowings of Roundup Ready Canola will not occur in this State in 2004 as there is no seed being made available by Monsanto Australia Limited for that purpose. There may be some commercial trial plantings of Roundup Ready Canola in New South Wales and Victoria in 2004 but not in South Australia. Furthermore under the proposed South Australian Genetically Modified (GM) Crop Management Act, commercial cultivation of GM crops will not be permitted in 2004.

The Australian weed researchers who assisted in development of the Resistance Management Plan were noted weed research experts and weed agronomists from WA, Victoria, NSW and SA and included specialists from the Cooperative Research Centre for Weed Management. They include noted global experts with extensive experience in research in herbicide resistance in weeds and the provision of advice on the management of herbicide resistance to the farming community. South Australian contributors to the development of Resistance Management Plans were Dr Rick Rousch, former Director of the CRC for Weed Management, and Dr Chris Preston, Associate Professor, University of Adelaide and a member of the CRC for Weed Management.

The sustainable use of glyphosate based herbicides such as Roundup ® is vital for Australian farming systems and can only be achieved by minimising the development of weed resistance to glyphosate based herbicides. Monsanto Australia Limited will contract appropriate Technology Service Providers (agronomists) to undertake a Paddock Risk Assessment Management Option Guide (PRAMOG) that will be an essential condition of the Technology User Agreement with each grower. PRAMOG is a tool that identifies the risk potential for glyphosate weed resistance development and suggests management options to minimise this risk in the years after growing Roundup Ready Canola. PIRSA will not be a recipient of PRAMOG reports and will not scrutinise these reports. I do not see a role for Government in the assessment of individual grower risks from herbicide resistance.

In the Technology User Agreement between the grower and Monsanto Australia Limited there is a requirement for the grower to maintain a set of paddock management records for paddocks growing Roundup Ready Canola during the growth of the crop and for two years after harvest. Monsanto will undertake random audits of Roundup Ready Canola paddock records maintained by the grower and the Technology Service Provider to ensure the paddock is in compliance with the Technology User Agreement terms and conditions. If through the random audit process a paddock is found

to be non-compliant, Monsanto will work with the farmer and the Technology Service Provider to ensure the paddock comes back into compliance. If a dispute occurs between the grower, the Technology Service Provider and Monsanto the dispute will be referred to independent arbitration for resolution. The Department of Primary Industries and Resources officers will not have involvement with issues concerning failure to comply with agreed individual grower Resistance Management Plans.

The Technology User Agreement allows for the application of a compliance levy under the Resistance Management Plan to enable additional audits to be conducted to confirm that a paddock is back in compliance. This levy will be applied solely by Monsanto and will not be imposed by Government.

As I have already stated in the event of a dispute between the grower, the Technology Service Provider and Monsanto the dispute will be referred to independent arbitration for resolution. The independent arbitrator will not be appointed by Government but will, I understand, form part of the role of the proposed Australian Oilseed Federation Canola Reference Group. I personally have not had consultation with Monsanto on the dispute resolution process and the appointment of an independent arbitrator.

I have confidence in the ability of industry to set standards for the adventitious presence of GM grain in non-GM grain to meet market requirements. This is an important issue for industry to address and until agreed standards are established by industry and appropriate production and supply chain management can be instituted, there will not be commercial plantings of GM crops in South Australia agreed to under the new Bill.

The GM Crops Management Bill that I have introduced into Parliament has the means to set conditions for the cultivation of food crops, including the establishment of buffer zones.

The GM Crops Management Bill which was introduced on 24 February 2004 defines experimental crops, and establishes that such crops, after cultivation, cannot be harvested for sale.

The sites of experimental crops conducted under the auspices of the Gene Technology Regulator are already listed and will continue to be on the Regulator's website.

MOUNT BARKER POLICE STATION

In reply to **Hon. IAN GILFILLAN** (25 November 2003).

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

1. No.
2. Yes, for market value.

CHILD ABUSE

In reply to **Hon. A.L. EVANS** (17 February 2004).

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

1. The Commissioner of Police advises that no direct marketing campaigning was conducted with the prison authorities as prisoners have the same access to public media as the broader community. Police did receive a complaint of historical sexual abuse from a prisoner in South Australia and that matter is currently being investigated.

2. The Commissioner of Police advises that no direct marketing campaign was conducted in other States to promote changes to the South Australian legislation relative to historical sexual abuse.

Changes to South Australian legislation are not intentionally promoted in other jurisdictions. They are available on government internet sites.

Anything that is considered to be controversial or of significant interest to the community is subject to media exposure in other jurisdictions and the government made a media release on these changes at the time.

3. The Commissioner of Police advises that Crime Stopper phone in days are specific to a jurisdiction and are aimed at current crime problems or issues peculiar to the jurisdiction conducting the phone in.

The South Australian phone in day for Operation Avenue was exclusive to South Australia given the change to the law in this State, and was extensively marketed in this State at considerable cost to the sponsors.

The cost of marketing the day across Australia was prohibitive and not seen as cost effective, given the general public awareness created by the media and the fact that police made direct contact with people they suspected may have been victims of pre 1982 offending.

EQUAL OPPORTUNITY

In reply to **Hon. A.L. EVANS** (27 November 2003).

The Hon. P. HOLLOWAY: The Attorney-General has received this advice:

On the 7 November, 2003, the Attorney-General and Minister for Social Justice invited the public to make submissions to the Equal Opportunity Framework paper.

The period for submissions was extended to 2 February, 2004, as there was a good deal of interest, not only from the Honourable Member, but also by the public. I understand that the Honourable Member has encouraged interested parties in the community to respond to the review and I thank him for extending the reach of this important proposed legislative reform.

The government is now considering the public's views. Over 1,000 submissions were received.

The paper and legislative were posted on-line at: http://www.sacentral.sa.gov.au/agencies/agd/equal_opportunity_framework.pdf and, http://www.eoc.sa.gov.au/public/leg_review.html

The Attorney-General and Minister for Social Justice wrote to a number of organisations and individuals on the Attorney-General's Policy and Legislation Section and the Minister for Social Justice's, legislative consultation lists below.

Mr. W.J.N. Wells, Q.C. President SA Bar Association Inc. Mr. Phil Howe President South East Community Legal Service Ms. Pam Simmons Executive Director S.A. Council of Social Service Inc. Mr. Peter Alexander President Police Association of SA Ms. Marie Shaw Q.C. The Law Society of South Australia Associate Professor Gary Davis Dean of Law The Flinders University of South Australia Mr. Mal Hyde Police Commissioner South Australian Police Mr. Tim Wooley Aboriginal Legal Rights Movement Inc. Inc. Mr. James Rieger Secretary Joint Legislation Review Committee Australian Society of Certified Practising Accountants Mr. Brendan Connell SA President Australian Plaintiff Lawyers Mr. Simon Langsford Langsford Solicitors Professor Paul Fairall Dean of the Law School University of Adelaide Ms. Mary-Anne Ford Chairperson Southern Community Justice Centre Inc. Ms. Melissa Ballantyne Senior Solicitor Women's Legal Services (SA) Inc. Ms. Karen Tydeman Chairperson Northern Community Legal Service Inc. Mr. Paul Campbell	Mr. David Howard President Law Society of South Australia Mr. Peter Vaughan Chief Executive Officer Business SA Mr. Hamish Gilmore Director Legal Services Commission of SA Mr. Michael Dawson Executive Director Victim Support Service Inc. Mr. Eugene Biganovsky Ombudsman Mr. Simon Lane Bar Chambers Mr. Paul Rofe, Q.C. Director of Public Prosecutions Mr. Neil Gillespie Chief Executive Aboriginal Legal Rights Movement Miss Julie Kerr Regional Director, South Australia CPA Australia Ms. Jan McMahon General Secretary Public Service Association of S.A. Australia Mr. Rick Sarre UniSA Ms. Janet Giles Secretary UTLC Mr. Robert Fowler Chairperson Environmental Defenders' Office (SA) Inc. Mr. Robert Harrap Chairperson Westside Community Lawyers Inc. Ms. Sue Parks Chairperson Central Community Legal Service The Honourable Justice John Doyle
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Chairperson Riverland Community Legal Service Mr. Kelvyn Prescott Chief Magistrate Chief Magistrates Chambers Ms. Sandra Dann Director Working Women's Centre Mr. Ian Yeates Council On the Ageing Mr. Geoffrey Davey Acting Chief Executive Officer WorkCover Corporation Mr David Arblaster Disability Advocacy & Complaints Service of SA Ms Rosemary Warmington Carers Association of South Australia Ms. Marilyn Rolls Women's Electoral Lobby Assoc. Ms. Carol Vincent General Manager SA Farmers Federation Mr. Matthew Loader Let's Get Equal Campaign Transport SA	Chief Justice Chief Justice's Chambers His Honour Chief Judge Worthington Chief Judge of the District Court Mr. Gary Collis Office of the Employee Ombudsman Mr. Ron Tan President Multicultural Communities Council (SA) Mr. Neil Lillecrappe Disability Information and Resource Centre Ms Eugenia Tsoulis Migrant Resource Centre Mr. David Morrell Disability Action Inc. Mrs. Betty Tothill President South Australian Country Women's Ms. Michelle Patterson Executive Director Workplace Services Mr. Tony Briffa AIS Support Group Australia
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SPEEDING OFFENCES

In reply to **Hon. D.W. RIDGWAY** (29 April 2003).

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

1. I am advised that SAPOL's systems cannot extract such data.
2. Laser expiation notices are issued manually, with the location being recorded as free text. Individual issuing police officers describe locations differently using local names and abbreviations.

When the location data is entered into the Expiation Notice System it is also entered as free text. Thus, electronic extraction of this data is not possible. I am advised that the cost of manual extraction would be prohibitive.

Police advise that the number of locations where police issue laser expiation notices is infinite and not conducive to the use of location codes.

However, photographic detection offences are subject to location codes and therefore can be extracted electronically.

The Minister for Transport has provided the following information:

3. All road works on the Dukes Highway, including road safety initiatives, are funded by the Federal Government. This financial year, the works on the Dukes Highway include:

- Audio tactile edgelines for approximately 50 kilometres east of Tailem Bend.
- Shoulder sealing between Coonalpyn and Keith.

As of 1 July 2003, all speeding fine revenue will go into the Community Road Safety Fund, which will be applied to road safety initiatives on the arterial road network.

GOLDEN GROVE POLICE STATION

In reply to **Hon. J.S.L. DAWKINS** (21 October 2002 and 3 April 2003).

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

The South Australia Police continually review the deployment of police facilities to ensure there is reasonable access to police services.

Police station services in the north east suburbs are currently available from Tea Tree Gully, Holden Hill and Para Hills. The new station at Tea Tree Gully was established in January 2002 following the relocation of the facility from St Agnes.

The continued development and growth of Golden Grove and the requirement for policing services is being monitored with the major

service provisions directly into the area being the provision of 24 hours patrol services—both vehicle and bicycle patrols, plus foot patrol services in and around the shopping centre.

SAPOLs plans for facilities in the north east suburbs are formulated on the basis of ensuring that locations for police facilities are capable of supporting service provision with the efficient use of resources.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. T.G. CAMERON** (13 November 2002).

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

I have been advised that the Auditor-General has expressed the view that with respect to questions from Members of Parliament concerning the accountability of the Auditor-General, the correct process to follow is provided under the Parliamentary Committees Act, 1991. The Act establishes procedures for referring matters to the Economic and Finance Committee.

That view was expressed by the Auditor-General in his evidence to the Economic and Finance Committee in its inquiry arising from questions asked in the Legislative Council which were the subject of a motion moved and passed by the Legislative Council on 28 November 2001 and referred to the Economic and Finance Committee by Her Excellency the Governor in Executive Council.

The inquiry is the subject of the Committee's 39th Report tabled in the House of Assembly on 17 July 2002.

The view that the appropriate procedure for requiring accountability of the Auditor-General is through the Economic and Finance Committee was confirmed by the then Attorney-General, the Hon Robert Lawson QC, MLC in a letter to the Auditor-General dated 17 December 2001.

Consistent with that procedure it is a matter for the Legislative Council as to whether it intends to pursue this matter and if so by what means.

TAXATION, LAND

In reply to **Hon. NICK XENOPHON** (17 February 2004).

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

RevenueSA advises me that there are approximately 1,500 people/couples who own a property in conjunction with the South Australian Housing Trust.

People who jointly own property with the South Australian Housing Trust and occupy the property as their principal place of residence are entitled to a principal place of residence exemption.

I understand that some twenty-six Land Tax Notices of Assessment were raised for joint Housing Trust ownerships and of these ten were issued to the Housing Trust. The Housing Trust advised RevenueSA that the properties were occupied as their co-owner's place of residence and exemptions were subsequently raised. The remaining sixteen other co-owners received a Land Tax Notice of Assessment for the 2003/2004 financial year. Principal place of residence exemptions were raised immediately for twelve of the co-owners following their advice to RevenueSA that the property was their principal place of residence, and they substantiated that they fulfilled the criteria for the exemption. Four co-owners paid the land tax assessed. The Commissioner of State Taxation has advised that refunds are being processed for the four co-owners.

I am advised that pursuant to the *Land Tax Act 1936*, a person seeking a principal place of residence exemption must establish the *bona fides* of their claim. As soon as the person contacts RevenueSA, provided they fulfil the criterion for the exemption, the principal place of residence exemption is applied.

In reply to **Hon. J.F. STEFANI** (19 February 2004).

In reply to **Hon. NICK XENOPHON** (19 February 2004).

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

The objection process, set out in Part 10 of the *Taxation Administration Act 1996* ("the TAA"), is available to a person who, *inter alia*, is dissatisfied with an assessment or a decision in relation to an application for refund or any other decision made by the Commissioner of State Taxation ("the Commissioner") under a taxation law. The objection must be in writing to the Treasurer and the grounds of objection must be stated fully and in detail in the notice of objection.

I am advised that four land tax Objections were lodged for the 2001-2002 financial year. Three objections related to the primary production exemption, where the Commissioner was not satisfied that the principal business of the owner of the property was the business of primary production. The fourth related to a request for a principal place of residence exemption which was denied, as the objectors also owned a homette on the property used for rental purposes.

Four land tax Objections were lodged for the 2002-03 financial year. Two of the objections related to the same qualification for primary production exemptions involved in the 2001-02 objections. Another involved a principal place of residence exemption for a vacant block of land and the fourth related to land claimed to be held on trust rather than in the name of the Objectors.

For the 2003-04 financial year to date one land tax objection has been lodged to 5/3/2004. The objection relates to a request for a principal place of residence exemption where there are three units on the property and the owner lives in one unit, her son occupies another and the third is rented.

DROUGHT RELIEF

In reply to **Hon. CAROLINE SCHAEFER** (25 February 2004).

The Hon. P. HOLLOWAY: The Minister for Agriculture, Food and Fisheries has provided the following information:

In October 2002, the Premier announced a package of \$5m in assistance to drought affected farmers and rural communities in South Australia. The package was developed by a Task Force which included State Government officials as well as a number of farm organisation and local Government representatives. The suite of support measures included both short term relief such as community grants, drought counselling and technical support, medium term measures such as reseeded and restocking grants, and longer term support such as increased investment in sustainable farming systems research and extension, breeding wheat for drought tolerance, and community capacity building. The program does not conclude until June 2005.

To date \$3.6m has been spent with the remainder committed to current or ongoing drought assistance package projects.

The honourable member has asked if eligibility was too difficult for too many farmers. I presume this is in reference to accessing the Business Support Grants component of the package.

Applications for these grants were assessed by a panel made up of the farmer members of the Premier's Drought Task Force. This group ultimately determined the eligibility criteria based on the need of the applicant. Of 161 applicants for reseeded or restocking grants 141 were approved by the farmer members of the Task Force. They determined, after considered assessment, that the 20 applications declined were not in need of this assistance and that any uncommitted funds allocated for these grants would be better directed to other drought support projects. I have every confidence in the job that they did and that given the number of approved applicants, the eligibility requirements were not too difficult for farmers and pastoralists.

I have not been able to confirm the administrative costs of the CWA and Red Cross for the grants they offered during the drought. I can confirm that no administrative costs have been charged to the funds made available through the State Government Drought Assistance Package. All administration services and costs associated with coordination, management and administration of the drought package have been provided by PIRSA through its own business units.

The honourable member also asks if any more grants have been given since PIRSA's annual report was published. It is reported in the PIRSA annual report for 2002-03 published in September 2003 that \$468,000 had been paid in grants for the Drought Assistance Package. \$1.5m was made available to assist farmers meet the cost of re-seeding or re-stocking following the drought, or to assist with water carting during the drought. The re-seeding or re-stocking grants were up to \$10,000 per farming business. 141 reseeded or restocking grants have been approved and \$1.31m has been paid to farmers and pastoralist for these to this time, with another \$108,000 committed to be paid by the end of May this year. A further \$25,000 was provided through this fund to assist Lions International transport fodder to drought affected farmers, and \$6,000 for water carting.

As I have stated previously any residual funds in this or other elements of the drought package is intended to be redirected to other drought projects.

PATAWALONGA

In reply to **Hon. A.J. REDFORD** (3 December 2003).

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

1. The Department of Water Land and Biodiversity Conservation (and not the Crown Solicitor's Office) engaged GHD's Melbourne office on 30 June 2003 to investigate and identify the cause of the flooding.

It was not considered appropriate to use the Government's engineering consultant or other local firms that might have had some previous involvement with the project.

GHD was selected because the firm had no prior involvement or interest in the contract awarded to Baulderstone Hornibrook for design, construction, maintenance and operation of the Patawalonga Seawater Circulation and Stormwater Outlet System.

It was also considered that by engaging the firm's Melbourne office, the review would be undertaken by engineers well placed to investigate the incident in an entirely objective and independent manner.

2. GHD concluded that the flooding was caused by the barrage gates not opening and the alarm system failing to alert the contractor.

The main purpose of the Patawalonga outlet duct is to improve water quality in Patawalonga Lake by facilitating seawater circulation through the Lake and minimising stormwater flow into the Lake by discharging as much stormwater as possible from the upstream catchment directly to the sea.

A major design requirement was that in the event the outlet duct is not available to pass stormwater for any reason or the stormwater flow exceeds the capacity of the outlet duct, then the Patawalonga Lake and barrage gates must function just as they always have. That is, stormwater must be able to flow into Patawalonga Lake and out through the barrage gates to sea.

If the barrage gates had opened as they were supposed to there would not have been any flooding.

3. The compensation scheme being managed by SAICORP was put in place within seven days of the flooding incident when it became apparent that most affected residents might not be covered for flooding under their private household insurance policies.

SAICORP has been processing the payment of claims as they are received from the assessors. The finalising of some claims, however, is awaiting action by claimants themselves and in some cases claimants have elected to defer certain repairs until a period of dry and warmer weather.

4. Baulderstone Hornibrook is responsible for maintaining the Patawalonga Seawater Circulation and Stormwater Outlet System infrastructure including the outlet duct.

Baulderstone Hornibrook had informed the Government about a build up of silt and sand material in the outlet duct and it is understood that they had been attempting to flush it out.

It can be categorically stated that if Baulderstone Hornibrook had cleared out the build up of silt and sand material in the outlet duct, they would not have detected the unrelated software problem that caused the barrage gates not to open on the night of the flooding incident.

The barrage gates failed to open due to the presence of a parameter in the computer operating system, which prevented the gates from opening while the Patawalonga Lake water level was more than 500 mm higher than the level of the sea.

Baulderstone Hornibrook has not been able to explain the presence of this parameter, which is contrary to the contract specification.

METROPOLITAN FIRE SERVICE

In reply to **Hon. A.J. REDFORD** (1 December 2003).

The Hon. P. HOLLOWAY: The Minister for Emergency Services has provided the following information:

1. Chief Officer Lupton negotiated with the previous Government the right to two return trips per year to his native Canada to visit his daughters. This provision was in lieu of the costs of a relocation package that would normally be provided to Chief Executives recruited internationally or from out of state.

Chief Officer Lupton has travelled overseas four times in the past two financial years to Canada, this is in accordance with his contractual agreement signed with the previous Government. The other North American locations, detailed in the question asked by the Hon A J Redford MLC on 1 December 2003, are not separate trips, but are the airports where the Chief Officer changed planes en-route to Canada.

On two of these previously negotiated trips, Chief Officer Lupton has combined either meetings or conferences with other fire authorities, maximising the Government's benefit for the expenditure for each of these trips. This included attendance at the World Police and Fire Games in Spain, where he represented the Fire Service and travelled with other senior Government staff from Police and Tourism, as well as the State Governor. This was required to honour the commitment of the previous Government to host the 2007 World Police and Fire Games in Adelaide.

The only other international trip Chief Officer Lupton has undertaken was as part of an eight day humanitarian support program to the Kingdom of Tonga. This trip was subsidised in part by the South Pacific Applied Geoscience Commission and was conducted under the auspices of the Australasian Fire Authorities Council. This support program is part of an initiative by Australasian Fire Services to provide much needed sustainable development and support to the South Pacific Islands and East Timor, in order to help prevent further infrastructure breakdown of the kind that has occurred recently in the Solomon Islands.

2. In relation to the travel movements of Deputy Chief Officer Smith:

Deputy Chief Officer Smith is the Chair of the International Standards Organisation (ISO), Technical Committee for Firefighter's Personal Protective Equipment (PPE). Deputy Chief Officer Smith is the Leader of the Australian Delegation to the International Standard Organisation, Technical Committee on Respiratory Protection. He has also been involved in ISO Committees for 15 years and is a world-recognised authority on PPE.

Deputy Chief Officer Smith's involvement in these committees has enabled Australian Firefighters to take advantage of new technology in the area of PPE and to also have critical input into the provision of world ISO standards. The committees provide input into the wellbeing of not only SAMFS firefighters, but also SA Country Fire Service volunteers and firefighters throughout Australia.

With reference to Deputy Chief Officer Smith's trip to Berlin in March and April, Deputy Chief Officer Smith undertook these trips while he was a Commander and not as Deputy Chief Officer. Ministerial permission was requested for both trips and granted by the former Minister for Emergency Services, Mr Brokenshire MP. These trips were to chair and/or participate in committees relating to Firefighter PPE and Respiratory Protection.

Within Deputy Chief Officer Smith's employment contract is a clause that entitles him to attend the Brigade Command Course in England, which requires him to travel to that destination on several occasions and also complete an international research project in America. The course commenced on 13 October 2003 and will finish at the end of May 2004.

SAMFS sought information from ECA International, which is the South Australian Government information provider to all agencies on international allowances. The information provided at that time indicated that the allowance figures were undergoing a review and they would not be available until after the end of that financial year and subsequently, the return of Deputy Chief Officer Smith. It was considered that it was therefore appropriate to pay the interstate allowances at that time. When the figures did become available, it was determined that there was a considerable difference between Australian allowances and international allowance.

Deputy Chief Officer Smith has since been reimbursed for his entitlements.

All SAMFS employees' international travel allowances are calculated on information provided by ECA International, which I understand is standard across all South Australian Government departments.

3. Deputy Chief Officer Smith was attending an ISO meeting on Firefighters Personal Protective Equipment in Winnipeg (5 to 12 April 2003) and he had an in-transit stop in Vancouver on the way to and from Winnipeg. As detailed above, Deputy Chief Officer Smith is the Chair of the ISO Technical Committee and accordingly is required to attend ISO meetings.

As stated in answer to section 1 of the question, Chief Officer Lupton was also in transit through Vancouver Airport while on leave and en-route to visit his daughters in Victoria, British Columbia, in accordance with his contractual provisions.

4. The following is proposed travel for Deputy Chief Officer Smith in 2004:

- (a) January 2004—UK Brigade Command Course (BCC).
- (b) End of January 2004—BCC International Research Project for which Deputy Chief Officer Smith will be taking two

weeks leave. £1700 is available towards the cost of the research and will not be incurred by the SAMFS.

- (c) February to March 2004—Return to the UK Brigade Course. In March 2004—BCC Students will travel to Emmitsberg and Oklahoma City USA as part of the Course.
- (d) May 2004—Final component of the BCC.
- (e) June 2004—ISO meeting for Firefighter Personal Protective Equipment, which will be held in Adelaide, Australia, at the SAMFS Training Centre.
- (f) October 2004—ISO Respiratory Protection meeting in Japan.
- (g) March 2005—ISO Firefighters Personal Protection Equipment in Japan.

Note: All ISO attendances are partly subsidised by a grant through Standards Australia.

The following is proposed travel for Chief Officer Lupton in 2004:

- (a) January 2004—Personal trip to Canada as per employment contract.
- (b) April 2004—Tentatively scheduled overseas aid visit to Tonga subsidised by the South Pacific Geoscience Commission to deliver used fire appliances, training and fire safety programs.
- (c) May/June 2004—Personal trip to Canada as per employment contract.
- (d) November 2004—Tentatively scheduled trip to attend International Association of Asian Fire Chiefs AGM and Conference in Taiwan, as Chief Officer Lupton is the Australasian Director of this Association. Chief Officer Lupton has been requested to make a presentation at this conference on behalf of the Australasian Fire Authorities Council (AFAC). He will also use this opportunity to promote the 2007 World Police and Fire Games that will be held in Adelaide and to research market opportunities to attract Asian Fire Officers to train at a South Australian based Centre of Excellence for Fire and Emergency Service Management.

GENETICALLY MODIFIED CROPS MANAGEMENT BILL

Adjourned debate on second reading.

(Continued from 24 February. Page 1067.)

The Hon. CAROLINE SCHAEFER: This bill seeks to impose what amounts to a moratorium on the commercial growing of genetically modified food crops in this state for three years, with the act, as I understand it, to be reviewed at the end of that three-year period. We have been told in public places that we may not call it a moratorium because that may be in breach of the World Trade Authority. That, in itself, seems quite puzzling to me given that there appears to be very little difference between a moratorium and a pause. However, in the interest of continuing this piece of legislation, I am quite happy to call it a pause.

The bill sets up an advisory committee of between nine and 11 members to advise the minister on all matters within the bill. However, the minister would not be bound by that advice. There is no provision for specific bodies such as the Farmers Federation or any other interested body to be represented on the advisory board. This would again be the decision and the appointment of the minister. It provides for the power to destroy a crop or any material produced from that crop and the cost to be recoverable by the minister. It also recognises circumstances in which compensation for loss or damage arising from these actions may be payable.

As I said, the bill sets a period of three years for a review of the act which would take us probably through to about the end of 2007. I would like to comment on that a little later given that the explanation by the former minister was that this bill mirrors, as far as is possible, the recommendations of the House of Assembly Select Committee on Genetic Modification. One of those recommendations was that we fall in line with commonwealth legislation, which is to be reviewed in 2005, so—as I understand it—we will have this bill overlapping what will then be the requirements of the commonwealth legislation.

Given the rapidly changing nature of science and of market attitudes, there is some discussion as to whether a two or three year period or a five year period is the more appropriate. It would appear to me that most of this bill is about sitting on the fence and taking no decisions, so I guess the median line of 2003 is probably the appropriate one to take given that, in my view, this is a piece of legislation that allows the government and industry to sit on their collective hands and take no decision.

Under this bill the minister has the power to designate regions where GM crops—and, in this case, specifically paddock trials—may be grown and/or regions where no GM material may be grown. Although this bill does not specifically state the regions, it is well-known—and the former minister expressed his intention—that Kangaroo Island and Eyre Peninsula are intended to be GM-free regions and that the rest of the state is to be, in fact, GM-free other than where a licence for experimental growth is granted by the minister.

As I have said, the granting of a licence would allow the rest of the state to grow certain GM crops as permitted by regulation. It needs to be noted that, although genetically modified canola, or glyphosate-tolerant canola, is the only genetically modified seed ready for commercial release in South Australia, this piece of legislation would apply to all food crops. However, it is anticipated that field trials will be conducted in the next two or three years for a number of other crops, including salt and drought tolerant wheat. A provision has been included to indemnify from prosecution by a third party growers who have inadvertently contaminated product, and our party will certainly be supporting that particular measure, as I indicated when the Hon. Ian Gilfillan introduced his private member's bill some time ago.

The general consensus of governments across Australia appears to be to sit on the fence in regard to the enactment of genetically modified crop laws. Most states are still opting for moratoria rather than introducing legislation which will either ban or allow GM crops, and this bill is no exception. I have surveyed a number of peak bodies—for instance, the Australian Wheat Board, the Australian Barley Board, AusBulk, the Apple and Pear Growers Association, the Eyre Peninsula Regional Development Board, and a number of individual farmers—and their views are probably as widespread and variable as are the views of the public. This bill purports to deal only with market issues: however, it is very much agreed—and it is my view, which I will elaborate upon—that emotion has well and truly taken over from science in the public argument. Because of the uncertainty of the public and the farming community, we will be supporting this pause; however, we believe that the bill is not prescriptive enough and too many details are currently left for definition under regulation.

The greatest point of contention in this bill is the designated exempt areas, that is, Eyre Peninsula and Kangaroo Island. In the short term, as I understand it, such designated exempt

areas would simply be unable to conduct trials. In the long term, however, it would prevent the growing of any GM crops in those exempt regions. I propose to speak more about Eyre Peninsula—and, of course, I know more about that than about Kangaroo Island—but it is my view that, if Kangaroo Island really does want to remain GM-free in the long term, then it may just be possible to do that. However, I do not believe that it is physically or economically possible for Eyre Peninsula to remain GM-free in the long term unless the entire state was to do so. Most grain ships, for example, partially load at Port Adelaide or Yorke Peninsula and are then topped up at the deep water port of Port Lincoln. A total ban on GM contamination would mean that no such top up loading could take place. This would be an economic disaster for South Australia costing many millions of dollars per year in freight.

Similarly, no contract harvester would be able to work in both an exempt and a non-exempt area. I personally know a couple of farmers who own land in the Mid North and on the Upper Eyre Peninsula, and it appears to me that this bill would mean that they could not use the same plant, either harvesting or sowing, in both areas. As I understand it, even exempting Eyre Peninsula in the short term would mean that no GM trial crops could be grown at the Minnipa Research Station; however, I also propose to speak at greater length on that later.

Although the Eyre Peninsula Regional Development Board supports an exempt reason, many broadacre farmers in northern Eyre Peninsula believe that such an exemption is physically impossible and, indeed, one branch of the agricultural bureau on Kangaroo Island has also expressed its opposition to a GM-free designation. My understanding is that the intention of the House of Assembly select committee was that a poll of all growers in a region be conducted before that region was declared GM exempt. However, this is not the case under this piece of legislation. The declaration of exempt regions is entirely in the hands of the minister and any consultation process would take place after the declaration of that exemption. Those involved would then have to try to get out of being an exempt area rather than consultation taking place prior to such exemption.

If this bill allowed GM production across the rest of the state I could see some logic to that but, given that the whole purpose of this bill is to prevent broadacre GM production and allow only field trials, it seems particularly impractical to me to have part of the state branded something else. There is no definition in the draft bill of what percentage of contamination would be considered GM-free. That percentage varies greatly from country to country; in many parts of Europe up to 5 per cent contamination is considered to be GM-free for the purposes of legislation. So, while we will be supporting a three year pause, we do so with some considerable cynicism.

I would like to refer back to the recommendations of the select committee, which filed its final report on 17 July last year. As I say, this legislation purports to result from those recommendations. One of the issues raised in the summary of the select committee report—and I think we need to take this into account—is:

The market reaction to products derived from GMOs is not based on science but on consumer perception and consumer choice.

The committee, therefore, argued that the decisions for or against GM exemption should be based on market realities.

There has been a great lack of any scientific market research with regard to GM production across Australia.

In fact, only recently the Australian Wheat Board conducted what is probably reasonable market research for, I think, the first time—certainly it is the first time that I have seen definitive results. The results of the Australian Wheat Board are that while it is agreed that Europe, particularly, uses GM free as in many ways a trade barrier, certainly there is a risk of losing markets if we go down a GM non-segregated path. There is, in fact, no premium paid anywhere in the world for non-GM product at this stage. Part of the summary states:

... to provide South Australia with the widest possible options now and in the future. Coexistence of non-GM and GM crops and products should be the aim, and the key to coexistence of non GM and GM crops and products is rigorous and cost-effective segregation and identity preservation systems.

In part, recommendation 2 recommends that legislation be introduced, and states:

The aim of the legislation is to ensure that the commercial release of GM crops into South Australian agriculture is only permitted when:

Coexistence to meet market demands for different classes of crops and products, for example, GM free, non-GM free and GM, can be guaranteed by industry through the establishment of rigorous and cost-effective segregation and IP systems throughout the total production and supply chain.

I think what mystifies me most about this bill is that that is the whole aim of the bill, yet there is nothing in the bill which will make it mandatory or in any way encourage the various key players towards establishing such protocols and segregation systems. It seems to me, therefore, that this is a 'sitting on your hands' bill. It will not please those who are vehemently non-GM, and it will not please those who are vehemently pro GM. My concern is that, at the end of the three years, we will have this debate over again, because we will not have been in any way forced or even encouraged to go down a path of developing the segregation systems which are considered necessary and which are recommended within the report of the select committee. It goes on and argues this case over—

The Hon. P. Holloway interjecting:

The Hon. CAROLINE SCHAEFER: My understanding of the bill is that the committee actually advises the minister on areas which should be GM free or not and advises the minister on the granting of licences for experimental crops. It does nothing to establish any form of segregation protocols, as I understand it. Recommendation 3 describes what those systems should consist of, and states:

1. Industry must be able to guarantee coexistence to meet market demands for different classes of crops and products.
2. This must be done through the establishment of rigorous and cost-effective segregation and IP systems throughout the total production and supply chain, which must:
 - Cover pre-farm, on-farm and post-farm activities;
 - Protect both direct and indirect contamination;
 - Include a rigorous paper trail;
 - Cover by-products of GM crops.
3. The segregation and IP systems must be agreed upon by the whole of the production and supply chain.

By anyone's standards that will be a long-term, exhausting, exhaustive and expensive process; yet, again, I see no budgetary measures which will take us down these paths. In part, recommendation 4 states:

The legislation should establish. . .

- A rigorous and transparent process by which the commercial release of a GM crop can be considered.

Again, I can see nothing in this legislation that will take us down that path. As I say, it has been widely touted that this bill is, in fact, a three-year measure while we develop some protocols and while we assess the rapidly ever changing attitudes of our consumers and markets. However, recommendation 6 of the select committee report states:

The legislation should provide for the South Australian minister with responsibility for agriculture to permit a commercial release of a GM crop, on the grounds that industry has met the three conditions (set down in recommendation 3), on the advice of the GM Crop Advisory Committee.

So, once it is in, this legislation is the beginning of allowing for commercial release of GM seeds; but, we all know that that is probably unlikely to happen other than trial plots that are already in existence. Recommendations 7 and 8 deal with separating Kangaroo Island and Eyre Peninsula. As I say, the recommendation of the select committee is clearly for those communities to take the decision as to whether or not they want to be GM free, yet this bill makes them GM free and then asks that they be exempted at a later date. Most of the farmers who have spoken to me have said that they do not want to miss out on the opportunity to advance science should it be given to them.

This is unlikely to be for glufosinate tolerant canola: it is far more likely to be for something like a salt tolerant wheat plant or a mildew resistant grape variety, for instance. Under this legislation it would be, I believe, impossible for an Eyre Peninsula farmer to take part in any of those trials even, as I say, at the Minnipa research station. However, when I was given a briefing by the departmental officer I raised that question and he said, 'No, no. It would be entirely possible for a field trial to be conducted at Minnipa research station if the minister licensed the research station.'

That then brought me back to my original question: if, under licence, a trial crop can be grown on Eyre Peninsula (that is, in this case at Minnipa), what is the difference between Eyre Peninsula and anywhere else? Why not leave for this three-year interim period the whole of the state under the one piece of legislation which is, indeed, to remain GM free unless a licence is granted by the minister? I am thoroughly confused as to what the difference is between a non-GM Eyre Peninsula, where you can conduct a trial if granted a licence by the minister, and a GM rest of the mainland state where you are GM free unless you are granted a licence by the minister.

I will be interested to have the minister explain that technicality to me. Recommendation 11 states:

The legislation should provide for a conditional release of a GM crop to be granted (except in areas which may be or have been declared to be GM free areas for marketing purposes) if the proponents can meet either conditions of:

- A limited release occurring under a closed loop rigorous and robust segregation and IP system, from seed to end user and covering waste and by-products, and occurring under strict conditions considered necessary and appropriate by the GM Crop Advisory Committee to manage market risks;

Nowhere is the possibility of closed loop marketing catered for within this bill, yet it is seen by most farmers as one of the most vital recommendations of the entire report. Recommendation 11 continues:

- A field trial occurring under strict conditions considered necessary and appropriate by the GM Crop Advisory Committee to manage market risks.

That is addressed, but closed loop marketing is not. As I have said, I believe that recommendation 14 is not addressed either. It states:

- Establish a rigorous and transparent process to enable an application for a conditional release of a GM crop to be made;
- Prohibit a conditional release in an area of the state which may be or has been declared to be a GM free crop area;
- Establish criteria to enable decisions to be made regarding whether one or other of the conditions have been met which enable a conditional release of a GM crop to be granted;
- Empower the GM Crop Advisory Committee to consider an application for a conditional release of a GM crop.

I guess what concerns me is not the pause of three years but the pause of three years in the absence of any method of moving forward. There appears to me to be no establishment of any sort of management system or criteria to move us into the next three years. At the end of the three years, it will be quite simple to remain the same if market forces and the community of South Australia have decided that they want to remain GM free. However, without a set of protocols in place, it will be impossible for some people to exercise their right to grow a GM crop and others to exercise their right not to. I see that this bill has a long way to go before it addresses what I believe to be the major issues within this piece of legislation.

This is a piece of legislation cobbled together in the hope that it will somehow allay the fears of one or other section of the community, and there is no doubt that it is a very emotional topic, both within the farming community and the general community. There are those who believe that GM produce will turn us all into two-headed monsters. There are those who believe that it is simply a system of science that will advance us into a new era of plant growth. I do not believe that this legislation necessarily addresses either the fears of one side or the ambitions of the other. I support the second reading.

The Hon. IAN GILFILLAN: I indicate Democrat support for the bill. I will not damn with faint praise but rather indicate that it is a positive step taken by the government, under a certain amount of persistent pressure from the Democrats, and we will be moving some constructive amendments to improve it quite substantially, in our view, in the course of the committee stage. In the debate in this place it is important to realise that we have been gazumped as a state as far as looking at the whole issue of genetically modified crops in South Australia is concerned because the federal government appointed itself, with some arrogance, as the only body that can determine the environmental and health aspects of the introduction of GM crops.

It is ridiculous to say that the scientific body is unanimous in one position or another. There are reputable scientists in various parts of the world who have differing views as to the safety of the various technologies that are used in genetically engineered crops. There is often confusion about the terminology. Genetic modification in a natural sense and by human intervention has taken place for aeons of time, that has been a natural process, but genetic engineering is a very new technology, and many scientists claim that we have not had enough time to adequately measure the safeguards that would be needed and the long-term effects on human health and on the environment.

It is interesting to reflect that the only criterion on which we as South Australians in this parliament can determine legislation is market influence, market anticipation. The shadow minister for agriculture talks about it being an emotive issue, and it may well be, but, as we all realise, consumers are often led by their emotions as to what their purchases will or will not be. I do not expect to see dramatic changes in consumer tendencies in the short term, and I

regard three years as a short term. I think it needs to be longer than that.

I remind the council, because I have raised this before, that when I was in the UK last year I saw a semitrailer delivering food to one of the larger supermarket chains, Marks and Spencer. On the full length of that semitrailer was the message: 'Our food? All non-GM'. I know that we may not use props in this place but I have a photograph of the side of that semitrailer, which Marks and Spencer made freely available to me, realising that I was a member of parliament, realising that I was going to use it. The point is that the major marketers to major markets in the world know that consumers do not want GM product. It does not matter how sharp a technology may be for the active farmer in South Australia or anywhere. Maybe there is an increase in production, maybe there is a reduction in the use of herbicide, but if at the end of that process we have stuffed up the markets, who wins? Certainly not South Australians.

The Blair Labour government has virtually turned up its toes in the onslaught of the pro-marketers of GM crops. It has dithered and there have been various ministers. A previous minister for the environment, Michael Meacher, resigned because the government went soft on GM crops. In the English paper *The Times* of 5 March, an article with the heading 'Blair grasps nettle on GM crops' indicated how the government has given approval for genetically modified crops to be produced commercially for the first time in Britain. It is an interesting article and I feel that we will find this of significance to our debate. It states:

Margaret Beckett, the Environment Secretary, will give the go-ahead on Tuesday for commercial production of a single GM product—named Chardon LL (Liberty Link) T25—a maize developed by Bayer. She will say that five years of extensive trials have shown that this product has a minimal effect on surrounding wildlife or vegetation, unlike the GM rapeseed. . .

Take note of those last words. What is the crop that we have approved to be planted in Australia? GM rapeseed—canola. The very crop that the Blair government has determined is a risk and therefore will not release we are releasing.

We have referred to trial plots and what effect they may or may not have. I have argued for some time that an open field trial plot, unless it is fully contained, is actually going to open us up to the same vulnerability of losing our GM free status as if we had commercial crops grown widely. For an example of that I refer to an article in *The Australian* of Friday 19 March under the heading 'Vote gives go-ahead for GM canola trial'. The story begins:

Australia's first commercial crop of genetically modified canola could be planted within weeks after a New South Wales government advisory committee voted to recommend a 3 500 hectare trial. . .

They had thought of asking for a 4 000 or 5 000 hectare trial. I would like someone who has more knowledge than I do to give a precise definition of a trial plot. What is the difference between a 3 500 hectare trial plot and a 3 500 hectare commercial plot, other than it may not be harvested for sale? I cannot determine that. It is still grown. It is still exposed to the fact that bees will be moving pollen, that wind can move seed to and fro, but more importantly the international markets will no longer regard that area as GM free. We have seen in the past just how sensitive the international markets are. They only need a rumour that a GM crop is about in an area and the alarm bells start ringing. They need assurances.

I turn now to Canada, which was the unfortunate home of widespread canola growing. I have a story here from Reuters last Friday with the heading, 'Opposition growing to GE

wheat, says Canadian Wheat Board'. It is interesting that it has used the phrase 'GE', too. I will quote from this article because some people like to indicate that world consumers are softening to GM product, that they are going to become more tolerant and will turn around under the benign blessing of Monsanto and Bayer CropScience and virtually demand GM product. I will read the first two paragraphs:

World wheat buyers are increasingly opposed to genetically engineered (GE) wheat, says the Canadian Wheat Board, one of the world's largest wheat sellers. The CWB, which has a monopoly on wheat and barley exports—

the good old single desk—

from Canada's main Prairie growing region, said buyers of 87 per cent of its wheat in the 2002-03 marketing year required guarantees that the wheat was not genetically engineered.

That's up from 82 per cent two years ago, the board said in a statement.

The CWB's 10 highest volume markets all required the guarantee, including Japan, Mexico, Britain, Italy, Indonesia and Malaysia, as well as domestic millers.

To indicate that this opposition to GM product in the market sense is dissipating and going away is deceptively and downright wrong, and I believe it is the sort of manipulation that the major agribusinesses are inclined to when they can see an increase in their dollar flow. Obviously, the Monsanto and Bayer CropScience companies of the world have an enormous investment in conning the world into growing GM crops and therefore reducing the option for consumers to get GM free product.

We intend to move some amendments to this bill which we think will improve its application but, before going into more detail about that, I emphasise again that I do not believe that the world market, which is where the bulk of our cereals go (what we consume locally is a pittance), will not distinguish product coming from various small locations around South Australia. I am not opposed to an area's having the right to determine whether or not it is GM free, but we must have a statewide GM free condition for world markets to trust that South Australian product is GM free. If we have a genetically modified or engineered contamination risk in the South-East, we can kiss goodbye to meat exports to Japan; and, if we risk genetically modified meat grain being used in the tuna industry in Port Lincoln, we can kiss goodbye to the very profitable Japanese tuna market.

Currently, there is nothing to stop the sowing of genetically modified canola in South Australia today. It would also be quite legal to plant GE canola tomorrow and, likely, the next day as well. The only thing that is likely to stop this occurring is the fact that farmers would be foolish to sow their canola crops this early, especially as there is a forecast of pretty dry conditions between now and June. However, we could find at the end of April that it is a different matter and, for this reason, we need to pass a legislative barrier before we rise on 1 April. I believe that that is why this bill must be dealt with expeditiously. We recognise the need to get that happening and we have called on the government to introduce legislation for a number of years, including the introduction of Democrat bills, to that effect.

I am not going to get excited about this bill because, as I say, I believe it is only a protective step for a short period, and we have some concerns about the inordinate power the minister has through the bill. He or she would have absolute control over the creation and repeal of GM or GM free zones; it would give the minister absolute control over allowing exemptions to GM or GM free zones; and it would give the minister absolute control over setting threshold levels. There

is the old adage of absolute power and, while one would never accuse the current Minister for Agriculture, Food and Fisheries, that person obviously will not be the minister forever.

I indicated we will be moving amendments seeking to strengthen the legislation. The first of these will incorporate within the legislation a five-year moratorium on the commercial release of genetically modified crops in South Australia. That is because we are not satisfied with the approach of the government. The former minister explained that the government would, under this legislation, establish three zones, being Eyre Peninsula, Kangaroo Island and the aptly named 'rest of the state'. I note that this is the government walking away from its election promise to include the Adelaide Hills as a GM free zone. It is the intention of the government to establish a three year—

The Hon. P. Holloway: It is a select committee recommendation.

The Hon. IAN GILFILLAN: Are you dictated to by the select committee recommendations? I hope not. The three-year moratorium can be repealed at the whim of the minister. The minister is also about to grant exemptions wherever and to whomever the minister chooses, and I do not believe that is the sort of assurance that the farming community wants or deserves. It wants certainty and it is entitled to certainty, and that is why our amendment for a statewide moratorium is essential.

Other amendments we are seeking to secure include the expansion of the advisory committee to include a non-GM farmer, an organic farmer and a consumer advocate. I also have an amendment to require increased consultation in the process of varying any GM free zone or allowing an exemption. Under these provisions the minister would consult with all farmers within 10 kilometres of a proposed variation or exemption.

Members will note that during the consultation phase of this bill the government has adopted the liability provision as set out in clause 3 of the Democrats' Gene Technology (Responsibility for the Spread of Genetically Modified Plant Material) Bill 2003, and for that we are grateful. This will protect farmers who find that, through no fault of their own, their crops have become contaminated with genetically engineered seed. I am pleased that the government has done this but we would like the other component of my GM liability bill adopted also. This latter clause seeks to place the liability for damages caused by contamination of the supply chain with GM seed firmly upon the GM seed companies.

Unfortunately, we have recently had an example where a shipment of grain has been turned away from Pakistan. The costs of that sort of refusal of acceptance are enormous and, where it may be a result of contamination, in our view it should be the legal liability of the companies—which are very keen to hold proprietary ownership of this product and are very determined to pursue anyone who contravenes their obligations to the full extent of the law. We believe it is fair that they should carry the burden of any compensation or damages that result from contamination. These liability clauses are particularly important and an article in the *The Sydney Morning Herald* of 6 March this year stated:

A paper written by the New South Wales Department of Agriculture said that farmers who find their crops have become accidentally contaminated by GM varieties could be held responsible for copyright breach and face financial penalties.

We heard that same story from Canada. It continues:

Although it was unlikely contaminated farmers could be blamed for environmental damage or personal injuries as a result of allergies, but they could be liable for 'economic loss arising from the unintended presence of GM crops.'

That is exactly the point that we are making. It has been identified by the New South Wales Department of Agriculture.

It is an important time in the GM (or, as I call it, the GE) debate. It is not a time to be weak, and we urge members to support the bill and also to support the amendments because we believe they are essential ingredients to putting backbone and long-term effectiveness into this legislation. The Democrats support the second reading of the bill.

The Hon. CARMEL ZOLLO: This bill will give effect to the government's commitment to ensure that GM crops are regulated in South Australia. As all honourable members would be aware, the government formed a select committee on the subject and the bill before us implements the key recommendations of the report of the select committee on GM organisms. There has also been extensive community consultation. It is a piece of legislation on which the community is, to a great extent, divided, because we simply do not know for certain the full implications of GM crops. Some people are adamant that there are none; some are equally adamant that there are too many risks.

It would be fair to say that a great deal of negative publicity is also received by the pro-GM lobby. The Hon. Caroline Schaefer suggested that it was a very emotional issue. I heard a respected speaker say the other evening that in 10 years we will wonder what all the fuss was about. Another said that it is an issue important to some people, while some will be indifferent and some will not care at all. I have neither a scientific nor agricultural background, but I recognise the importance of seeing some pause and community ownership of the issue.

The government sees as its role the necessity of protecting existing and future markets for farm produce until supply systems are developed to provide the necessary segregation and identity preservation systems. Our crop industry is very significant for the state and, in particular, it is worth billions of export dollars. I convene the Premier's Food Council and appreciate the importance of our food industry, which is a major economic driver in this state and employs roughly one in five people, especially in rural and regional South Australia.

The bill before us addresses negative market impacts that could arise as a result of inadequate segregation and identity preservation along the supply chain. The bill has the primary purpose of permitting the regulation of GM food crops in order to prevent adverse market outcomes that may occur from the unregulated introduction of GM crops into the state's agricultural production systems.

The bill provides the power to make regulations that establish defined areas in which the cultivation of GM crops may be regulated to achieve market outcomes clearly related to product integrity. The regulations may prohibit the cultivation of GM food crops within a zone. They may prohibit cultivation of GM food crops within a zone, except any prescribed crops that may be grown. The regulations may prohibit cultivation of GM food crops within a zone but permit non-prescribed GM crops to be cultivated, or may prohibit the cultivation of a prescribed GM crop in any place other than a specified zone.

The bill provides a mechanism for granting blanket approval by ministerial notice to cultivate a prescribed GM

crop, but only under stringent conditions enabling coexistence with non-GM crops to be maintained. Decisions to prescribe GM crops must be based on extensive public consultation and the recommendation of the GM crops advisory committee. The bill provides for an exemption to permit limited scale cultivation of GM crops in specific circumstances and specific conditions. This exemption is intended to allow research trials. As then agriculture minister Holloway mentioned in a media interview earlier this year, any exemptions are to be of limited scale and not a back door to broad scale farming of these activities.

As previously mentioned, I convene the Premier's Food Council and in that capacity I have received correspondence from Mr Maurice Crotti, the chairman of Food Adelaide, the major industry partner with Food South Australia, and from Mary Ferguson, the chairperson of Flavour SA, another industry partner in the delivery of our state food plan. Mr Crotti was also responding to the Hon. Caroline Schaefer, the opposition shadow minister for primary industries. I thank both chairs for their comments. They expressed the view that this legislation does not go far enough and they are obviously concerned in relation to the impact on South Australia's exports of food and beverage products in so far as it is their belief that the introduction of GM products to South Australia has the potential to not only reduce our marketing edge but also restrict access to certain markets and hence result in a significant impact on our exports.

It is also the view of both chairs that the state is best served by delaying the consideration of the use of GM crops and other plant material for a minimum period of 20 years in order to allow more accurate analysis of scientific data from those areas of the world allowing GM crops. Of course, I understand the sentiments of our food industry partners and the importance of Australia's and this state's edge in relation to our clean and green growing environment. It is recognised that a growing number of consumers are demanding that labels clearly show whether the product contains GM material. In Food South Australia we are primarily marketing to that end of the market of consumers who care and are interested in such things. I can only suggest that the bill before us is a very good start and is much needed legislation.

I reiterate that it is the intention of the legislation to see stringent controls in any trials, to have a pause and see complete exemption of GM crops in designated areas until local communities have had the chance to establish their long-term GM status. As the minister has pointed out, up until now no legislation has been enacted to regulate the cultivation of GM crops. Without this legislation the South Australian government has no statutory mechanism to regulate GM crops. Once a GM crop variety is granted an unrestricted licence by the commonwealth regulator, that crop can be legally grown anywhere in the country. The situation is that, in the absence of the proposed GM crops management legislation, two varieties of GM canola will be able to be grown freely in South Australia when seed supplies became available.

I have gained the impression from speaking to different members of the community that there is some confusion in relation to regulations—our subordinate legislation. All regulations are subject to scrutiny by both houses of parliament and can be acted on by any member of parliament and not just by Legislative Review Committee members. Any change to the proposed regulations for the designation of areas, or the regulation of GM crops within them, requires a public consultation process as well as examination by the GM

crops advisory committee. I believe this allows a high degree of scrutiny of the nature of any new area declarations. In any case, regulations as mentioned are disallowable instruments that must be laid before each house of parliament.

Legislation that prevents the release of genetically modified crops, except under very strict conditions, also prevents its subsequent downstream impact on other sectors. The bill focuses on regulating the cultivation of food crops only. This includes any crop used as food, such as cereals and oil seeds, or which enters the food chain through livestock; for example, through the pastures. The freedom to cultivate any GM crop will be dependent on the provision of expert advice and evidence that co-existence can operate effectively. This requirement is clearly stated in the bill and will be a very significant obstacle for those wishing to grow GM grain to overcome in the next few years.

As mentioned today, I am no longer parliamentary secretary in the PIRSA areas, but I acknowledge the PIRSA staff's commitment to work with industry to implement measures to maintain export and domestic market access, as well as to develop a short and longer term disease management plan. I also place on record that we have some world's best research agri-business institutions in this state, staffed by some very talented and committed people.

Farm performance in this state is recognised as being important not only for economic reasons but also for social reasons. In 2003-04 it is hoped that above average crop yields, the sowing of a large crop area and high livestock prices are forecast to result in historically high farm cash incomes. The intent of this legislation was to see it passed before the start of the new planting season in May.

Under this legislation the government is seeking to adopt a more managed and flexible approach. Initially, it will seek a three-year prohibition, at which point the South Australian act will be reviewed in the light of changes to the commonwealth act, which is scheduled for review in 2005-06. I support the bill. I believe this legislation is important to preserve our reputation and not damage our export success in food and wine.

The Hon. NICK XENOPHON: I support the second reading of this bill. I support the thrust of the bill, which is to ensure that there is management of this issue, but I want to make it absolutely clear that I do not trust Monsanto, Bayer and other companies that have been marketing GM seed and crops. I have very grave concerns that if we get it wrong, we will get it wrong forever. We are at the crossroads in dealing with this issue. If we allow the contamination of non-GM crops in this state by GM crops, that will be irreversible and irrevocable, and it will damage forever the state's clean and green reputation.

I think it is important to look at the promises that the Labor Party made in the lead-up to the election and the clarification of those promises by the Premier, which I think ought to be put on the record again so that the debate on this very important bill can be put into some context. A few days before the 2002 state election, the Hon. Mike Rann (the then leader of the opposition) issued a news release headed 'Labor's plan to ensure safe food', the opening paragraph of which states:

Labor will ban the growing of genetically engineered food crops in three of the State's prime agricultural belts and launch a full-scale public inquiry into the safety of GE foods.

It refers to a total ban in areas such as Eyre Peninsula, Kangaroo Island and the Adelaide Hills. The Hon. Mr Rann states:

We have to be absolutely sure that tonight's dinner does not turn into tomorrow's disease.

That is one of the key issues involving not only the state's clean and green reputation but the safety (or the lack thereof) of genetically modified crops and foods produced from those crops. In the lead-up to the February 2002 election, a very comprehensive Labor policy document (signed off by the Hon. Mike Rann as leader, Annette Hurley, the then deputy leader; the Hon. John Hill, then shadow environment minister; and the Hon. Lea Stevens, then shadow health minister) sets out clearly the concerns that Labor had in the lead-up to the election campaign about this matter. I will quote from this policy document because it is important that it be on the record. It states:

In Europe, America and Asia, an increasing number of consumers refuse to accept genetically modified food. Releasing the results of its third annual grain elevator survey in December, 2001, the American Corn Growers Association revealed more than half the grain storage facilities surveyed now require segregation of GM crops and that almost one-fifth of the elevators are now offering farmers price premiums for non-GM foods.

It states further:

Official Government figures indicate South Australia's food industry is likely to be a \$15 billion business by 2010. Yet, the claimed economic benefits from GM food production in 2010 are only \$200 million. To put it in its simplest terms, a multi-billion-dollar food export industry which has been carefully built on a 'Clean and Green' image is potentially being placed at risk for an annual 'gain' which is a mere 1.5 per cent of the total value.

The Hon. Ian Gilfillan: That's a Labor document?

The Hon. NICK XENOPHON: It's a Labor document.

The Hon. Ian Gilfillan interjecting:

The Hon. NICK XENOPHON: The Hon. Ian Gilfillan reminds the chamber that this is a Labor document and that it just shows how clearly they saw it before the election. I am just doing my bit to ensure that the Labor government has this level of clarity when the bill is dealt with in committee so that the Hon. Mr Gilfillan's amendments and mine will strengthen the bill to comply with Labor Party policy. The document concludes by saying:

Professor Fran Baum, head of the Public Health Department at Flinders University, makes the following point about genetically engineered food: 'The Precautionary Principle should be applied in developing GE food as it is not certain whether there are serious risks to the environment or to human health involved in producing or consuming GE foods or their products.'

My concern is that, whilst this bill is certainly a step in the right direction and whilst the government should be congratulated for improving on the draft bill that was circulated before Christmas, it does not go far enough. It will not give us a guarantee or the certainty which both farmers in this state who want to be GM free and consumers who are concerned about their health and that of their children should have when it comes to genetically modified crops.

Last year, I received a letter from the Premier dated 15 July 2003. This was in the context of the debate on the nuclear waste dump where the government has taken a very strong position to ensure that the state's clean and green reputation is maintained. I was critical of the government, because I felt that it was adopting a double standard: the government was being seen as green on one issue—the nuclear waste dump—but it was colourblind on the issue of GM foods. As a result of my concerns, I received this comprehensive response from the Premier, for which I am grateful, and I think it is important that parts of it be read into *Hansard* to provide a context for the government's policy framework. The letter states:

The State Government is committed to protecting the State's clean and green reputation by banning the introduction of GM crops, until it is absolutely clear there will be no impact on the integrity of our current crops in the marketplace.

The Premier went on to say:

In addition to any Select Committee recommendations adopted by the Government, the Government remains committed to the following:

1. Prohibition on GM crops. The Government will introduce legislation in the next sitting of Parliament, to be proclaimed by March/April 2004, allowing a state-wide prohibition to be placed on growing genetically engineered crops. Areas can only be excluded from the prohibition by regulations following detailed assessment of risk.

2. GM Trials. Ministerial approval is required to allow limited and controlled GM trials. Trials will not be for commercial purposes, but only for the assessment of a crop's merit and the effect of management practices.

3. Expert Office to Monitor GE Food. A GE 'expert capacity' to advise government has been established within the Human Services Department. This group is led by an internationally recognised expert, Dr Fay Jenkins, and will develop implementation processes and state/national protocols and will also directly advise the minister on GM-related issues. Both the Minister and the Parliament will have the capacity to require community involvement on GM matters.

4. Public Inquiry. The Select Committee has conducted a high-level inquiry into GE matters and received submissions from the public. It is expected to report later this week.

5. Parliamentary Reporting. The Ministers responsible for Health and Agriculture will report annually to Parliament on the current status and safety of genetic engineering.

So, it is important that the government's legislation be seen also in the context of the Premier's statement. To be fair to the government, there are a number of measures in this document on which the government is moving or has moved and this bill is one of them. However, the underlying premise of the government's approach, based on the Premier's correspondence to me, is the importance of maintaining the state's clean and green reputation.

I have grave concerns that, unless this legislation is strengthened and unless it provides a more prescriptive regime to ensure that there is not contamination of non GE crops, this will not provide the protection that the bill, on its face, is there to provide. There is a real risk that our export markets will be lost, and there is a risk that our state's clean and green reputation will be damaged once and for all.

I indicated that there are real issues about some of the companies that have been pushing GM seeds. I believe that it is appropriate, given the history of some of these companies, that we ought to be quite sceptical about their track record and their conduct in the context of this particular debate. I commend to honourable members the book *Seeds of Deception* by Jeffrey M. Smith. It was originally published in the United States a few months ago and it was recently published in Australia. It will be published and translated throughout Europe, as I understand it, in the coming months.

Mr Smith has set out a very comprehensive case about the risks involved with genetically modified crops and food and about the lack of scientific rigour in the introduction of GM crops and food into our ecosystem and into our food chain. We ought to heed his very salutary warnings. Mr Smith discusses Monsanto's use in Canada of the recombinant, the genetically engineered bovine growth hormone, RBGH, which was injected into dairy cows. It was supposed to increase milk production by 10 to 15 per cent. A scientist gave testimony to the Canadian Senate committee, and Canada's leading newspaper the *Globe and Mail*, not known for its radical views, described the testimony as follows:

The scientists' testimony before a [Canadian] Senate committee was like a scene from the conspiratorial television show *'The X-Files'*.

It goes on to say that very real concerns were expressed about the use of this genetically modified growth hormone and its impact on health and the cover-up in terms of health concerns, with a finger pointed at Monsanto. The *Ottawa Citizen*, another publication, reported the scene this way:

The senators sat dumbfounded as Dr Margaret Haydon told of being in a meeting when officials from Monsanto Inc., the drug's manufacturer, made an offer of between \$1 million and \$2 million to the scientist from Health Canada—an offer that she told the senators could only have been interpreted as a bribe.

They are not my words but the words of a leading publication in Canada about the conduct of Monsanto. Allegations were also made by the scientist about stolen files and about tampered evidence. According to Mr Smith's book, Senator Eugene Whelan responded as follows:

I can't even believe I'm in Canada when I hear that your files have been stolen and that all the files are now in the hands of one person. . . What the hell kind of a system have we got here?

That is from one Canadian Senate committee where a Canadian senator expressed very deep concerns about the conduct of Monsanto regarding missing files and a bribe being offered to scientists in relation to this genetically modified growth hormone and very serious concerns expressed by the scientist about the potential health effects. There are other things that are indicative, I believe, of the serious concerns we should have about the conduct of Monsanto and other companies that are peddling genetically modified crops in terms of their conduct. Mr Smith's book refers to a Canadian Gaps Analysis Report which points out that cows injected with RPGH did suffer from the following:

. . . birth defects, reproductive disorders, higher incidence of mastitis [udder infection] and other problems. Other sources report high incidence of foot and leg injuries, metabolic disorder, uterine infections, indigestion, bloat, diarrhoea, lesions and shortened lives.

Six months before the article appeared *The Milk Weed* published data that had been stolen from the FDA. It revealed that cows treated with the hormone for about eight months had major increases in the size of their hearts, livers, kidneys, ovaries and adrenal glands, yet, in its report to the FDA, Monsanto dismissed the changes as 'harmless physiological shifts'.

Any company that tries to spin its way out of trouble by calling these very serious malformations and serious health problems in animals that were given a genetically modified Monsanto product merely 'harmless physiological shifts' indicates, I believe, that the company cannot be trusted, yet it will be one of the main beneficiaries of genetically modified crops in this state. It has an enormous vested interest to gain, and once contaminated there is no going back.

The Saint Louis Business Journal of 22 February 2002, in an article headed 'Jury rules against Monsanto in Alabama PCB case', refers to a leading case where Monsanto was sued for polluting Anniston, Alabama with PCBs. More than 3 500 residents of Anniston, Alabama sued Monsanto and Solutia, another company, for knowingly contaminating their homes and bodies with PCBs, known carcinogens. Both Monsanto and the plaintiffs agreed that the company emitted the PCBs into the environment, but they disagreed on the company's knowledge of the pollution or the toxicity of the PCBs.

On 1 January 2004, *The Washington Post* published a story alleging that Monsanto had known for more than 40

years about the harmful effects of the PCBs it produced at its plant in Anniston. The state court jury in Alabama ruled against Monsanto for its conduct, for polluting an entire community. The evidence indicates, as *The Washington Post* reported, that Monsanto knew about this pollution for 40 years, yet it expects us to trust it with genetically modified seeds and crops that it is peddling and from which it stands to gain enormous commercial benefit. I simply do not trust it and neither should this parliament.

I could cite more cases involving Monsanto. It has taken legal action against those who have advertised that their cows were free of this growth hormone, taking every legal step to thwart them, taking legal steps to nip dissent in the bud, and taking steps to thwart an informed debate on this issue; and that is why we should be very wary of Monsanto. It is not just Monsanto, because Bayer has also been criticised and has had findings against it for its conduct. It has faced significant penalties for misleading and deceptive conduct in other jurisdictions in the world, and that is why we need to be very sceptical about these companies.

Michael Meacher until last year was the Minister for the Environment in the Blair Government. Mr Meacher was, unfortunately, reshuffled out of cabinet by Prime Minister Blair in the middle of last year. Mr Meacher was well-known for his concern about, and criticism of, GM crops, and he summed up the arguments very powerfully in an article that he wrote for London's *The Independent* newspaper of 22 June 2003. It is worth quoting from the article entitled 'Are GM Crops Safe? Who Can Say? Not Blair', so that we can hear from someone who is at the front line—a former environment minister in the United Kingdom—who had very serious concerns and who, as I understand it, was not initially very concerned about GM crops but who became more alarmed the more he found out and the more he got into this issue. It is a great pity that Prime Minister Blair did not keep him in cabinet in that position. These are some of the things that Mr Meacher said:

Contrary to the assurances of the biotech companies that genetic engineering is precise and simply extends traditional breeding techniques, it is actually quite different. When genetic crops are engineered, the gene is inserted randomly, out of a sequence that has evolved over hundreds of millions of years.

But genes don't operate in isolation; they interact with each other. Genetic engineers have assumed that each gene has one function, but the recent discovery that human beings have only some 30 000 genes to produce the quarter of a million proteins in the human body shows that this premise was wrong. Most genes are multi-functional. It is not known how to determine artificially a single function of a gene without triggering other unpredicted and undesired effects.

Mr Meacher goes on to say:

It is really extraordinary that there have so far been virtually no independent studies of the health effects of GM. What there is has mostly been done by the companies themselves. We are constantly told that there is no evidence of any greater health risk from a GM crop than from its non-GM counterpart. What is not added is that there have been no health checks to find out. Indeed, the only Government-sponsored work ever carried out on the health impacts of GMOs was Dr Pusztai's work on rats and GM potatoes, and then, when it found negative effects, it was widely rubbished in government circles, even though his paper had been peer-reviewed six times before publication.

Those issues alone indicate that we are going down a very dangerous path and that we simply do not know whether it is safe. Indeed, the evidence quite clearly points out that it is not safe. The onus on this parliament should not be whether it is unsafe but whether it is proved beyond reasonable doubt that it is safe for human consumption.

In terms of the babies in our community, Mr Meacher points out the following:

Any baby food containing GM products could lead to a dramatic rise in allergies, and unexpected shifts in oestrogen levels in GM soya-based infant feed might affect sexual development in children.

Infants, the report said, are very vulnerable because they have such a narrow diet. If there were any nutritional deficiencies in their food, such as fewer fatty acids, their health would suffer, especially the infant bowel function since even small nutritional changes could cause bowel obstruction.

That refers to a study by the Royal Society of the United Kingdom in terms of the potential effects of GM foods whereby there should be a rigorous examination before they are allowed into the food chain. Mr Meacher concluded his article by saying the following:

Finally, it is often claimed by the biotech companies that there have been millions of people consuming GM foods over several years in the US, but without any ill-effects. However, there have actually been no epidemiological studies to support this claim. What is known is that coinciding with the introduction of GMOs in food in the US, food-derived illnesses are believed by the official US Centres for Disease Control to have doubled over the past seven years. And there are many reports of a rise in allergies—indeed a 50 per cent increase in soya allergies has been reported in the UK since imports of GM soya began. None of this of course proves the connection with GM, but it certainly suggests an urgent need for further investigation of this possible link. Typically, however, this has not been forthcoming.

Mr Meacher finished off by saying:

As the Prime Minister said, we should act on the basis of science, not prejudice. Quite so. But since the science is still clouded with such deep uncertainty, that means deferring decisions till the science is clear and reliable, not rushing to desired conclusions which cannot be scientifically supported.

We should heed the warnings of Mr Meacher—the former environment minister in the United Kingdom—very carefully. This state should not be part of this dangerous GM experiment. This state should ensure the integrity of non-GM crops, of organic crops, and of those farmers who are not organic farmers but who want to ensure that their crops are not contaminated with GM.

My colleague the Hon. Ian Gilfillan, a long time campaigner on this issue, has made the point about buffer zones of some 5 metres—as I understand it—with the national regulator. It is an absolute farce. He has made the point about issues of liability, and we need to heed those concerns because there is no going back once GM crops contaminate our state's farms. We have seen what has happened in Canada. We have seen the battles that Percy Schmeisser, the very courageous Canadian farmer, has faced: he faces financial ruin from Monsanto because of its pursuit of him through the courts.

These are issues that we need to consider, and that is why I am concerned that this bill does not go far enough. In particular, I am concerned that it is not prescriptive enough; that it does not make clear what the extent of an experimental crop will be; and that it does not make clear where liability will lie. Simply saying that farmers can rely on common law is all well and good, but it is a very unbalanced equation when you have a farmer who might be growing a few hundred hectares of cereals facing massive litigation with Monsanto, which has billions of dollars in assets. That is why it is important, I believe, to ensure that there are amendments so that a register is kept of where GM trials are set out in this state. And we need to make sure that they are genuine trials.

I have real concerns about the integrity of non-GM crops in adjoining land in terms of wind-borne pollen or transfer from birds. There are real concerns that the current buffer—

the current safety mechanisms that we have in place—is really illusory. It does not provide the protection that our farmers—and indeed our state—deserve to preserve this state's clean and green image.

Thank goodness that Europe has put up a trade barrier against GM crops, that they have had the commonsense and the courage to stand up to the United States—and I know that the United States, through the World Trade Organisation, is challenging the Europeans. I am all for free trade but I believe it should be fair trade and, above all, it should be safe trade. That is why it is important that we do not lose those export markets in Europe, and I do not believe that this bill—in its current form—will provide the protection that our farmers deserve.

I am also concerned that the minister's advisory group is not broad enough. There ought to be representation from consumer groups concerned about GM crops and concerned about the impact of GM on the community. There ought to be representation from those organic and non-GM farmers who want to preserve their integrity as farmers of non-GM crops. The legislation needs to go much further.

In relation to issues of liability, I will be conferring with my colleague, the Hon. Ian Gilfillan, about this so that there is the greatest possible clarity and the greatest protection for our farmers. I believe that there ought to be a mandatory requirement on the Monsantos of this world and on those farmers who are growing GM crops—whether experimentally or otherwise—that they have a sufficient level of public liability insurance so that, if there is contamination, those farmers can get compensation. Obviously, the preferred approach is that there be no contamination in the first place. Unless and until we can guarantee that, no further experimental GM crops should be grown.

I also want to hear that the government has put in place mechanisms to enforce the legislation in its final form. It is no good having laws that say that there will be fines and penalties and that there are safeguards in place unless they are enforced to ensure that we do not get contamination in the first place and to ensure that the protocols put in place are there to protect the community and the farmers who want to stay GM free.

I look forward to the ongoing debate. We cannot afford to get this wrong. If we get it wrong, we get it wrong for future generations of South Australians, we get it wrong for our reputation (in an irrevocable sense) of a clean and green state and we get it wrong for a potential \$15 billion a year food industry by 2010 for a suggested benefit of a few hundred million dollars. Let us not fall into the trap of Monsanto, Bayer and others. They have a very narrow vested interest and have been found to have acted deceptively and misleadingly in their conduct in jurisdictions around the world.

The most recent decision in Alabama indicates that Monsanto was poisoning a community in which it was based with very serious health effects. Let us not trust Monsanto. Let us go down the path of taking a precautionary approach, of not accepting what Monsanto is saying. Let us have the toughest possible legislation to ensure that South Australia remains clean and green.

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

ANANGU PITJANTJATJARA LANDS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement on Anangu Pitjantjatjara lands made earlier today in another place by my colleague the Deputy Leader.

MOTOR VEHICLES (SUSPENSION OF LICENCES OF MEDICALLY UNFIT DRIVERS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 23 February. Page 1053.)

The Hon. SANDRA KANCK: This is one of those somewhat rare occasions when the Democrats are prepared to support a retrospectivity clause in a bill. This bill occurs as a result of a legal challenge, which has revealed that, when South Australia switched to the National Road Rules in 1999, we inadvertently lost our power to remove drivers' licences from those drivers who had become medically unfit. This bill restores that power, and it does so retrospectively in order to ratify the actions of licence removals that have occurred over the past few years.

Given that, as we have been told, 50 notifications come into the department each week, it does not even bear contemplating that 10 000 people who ought not be on the roads could potentially be back there. Were that to happen, it would put Mr Magoo to shame. I indicate Democrats' support for this bill.

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

FREEDOM OF INFORMATION (MISCELLANEOUS) AMENDMENT BILL

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

CONSENT TO MEDICAL TREATMENT AND PALLIATIVE CARE (PRESCRIBED FORMS) AMENDMENT BILL

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

ADJOURNMENT

At 5.07 p.m. the council adjourned until Tuesday 23 February at 2.15 p.m.