LEGISLATIVE COUNCIL

Thursday 24 June 2004

The PRESIDENT (Hon. R.R. Roberts) took the chair at 11 a.m. and read prayers.

STATUTES AMENDMENT (INTERVENTION PROGRAMS AND SENTENCING PROCEDURES) BILL

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I seek leave to move a motion without notice concerning the conference on this bill.

Leave granted.

The Hon. P. HOLLOWAY: I move:

That the sitting of the council be not suspended during the continuation of the conference on this bill.

Motion carried.

HEALTH AND COMMUNITY SERVICES COMPLAINTS BILL

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I seek leave to move a motion without notice concerning the conference on this bill.

Leave granted.

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

That the sitting of the council be not suspended during the continuation of the conference on this bill.

Motion carried.

STANDING ORDERS SUSPENSION

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I move:

That standing orders be so far suspended as to enable petitions, the tabling of papers and question time to be taken into consideration at 2.15 p.m.

Motion carried.

PRIMARY PRODUCE (FOOD SAFETY SCHEMES) BILL

Adjourned debate on second reading.

(Continued from 24 May. Page 1564.)

The Hon. CAROLINE SCHAEFER: The opposition will be supporting this bill, but only because we see no option rather than believing it is a good piece of legislation. This bill was introduced into the House of Assembly on Wednesday 29 March. Its intention is to provide a legislative food safety framework to underpin the whole food chain in South Australia prior to point of sale, that is, prior to retail. We acknowledge that, given the previous government's push for the expansion of retail food from South Australia and the current government's strategic plan to increase, or double I think, exports in a short period of time, one of the great requirements, particularly for export foods, is guaranteed safe product and traceability. This bill consolidates existing primary industry food legislation and extends the framework to all primary industries to enable the implementation of new national primary production and processing standards. I reiterate that we support this as much because it is necessary to comply with national standards as for any other reason.

The Food Act 2001 is the main piece of food safety legislation and it requires that all parts of the food industry, including primary industries, produce safe food. However, the Food Act functions mainly to control food handling in processing, retail and service in order to control outbreaks of food-borne illness. Currently, it has limited application to primary production and this bill is intended to complete the legislative framework. The primary produce food safety schemes will be a separate act, which is recognised by the Food Act and administered by the Primary Industries department, as opposed to the Department of Human Services under health legislation. Food safety schemes as regulations will be created to address public health and market risks appropriate for each industry sector. The legislation recognises that one size does not fit all and allows for separate schemes to be developed specific to each industry. For instance, low risk industries such as grains and wine grapes will not be required to develop food safety schemes unless they request to do so and can demonstrate membership support and that the benefits outweigh the costs.

Industries with significant risk, such as meat and dairy, have already developed voluntary schemes that comply with national standards and it is my understanding that, if they comply with national standards, they will not be required (and I ask this as a question) to develop a separate set of standards and that their current national recognition will be acknowledged under this legislation. If that is not the case, I raise some very severe reservations from this side of the council.

As I understand it, those industries that have significant risk have already developed the required standards and so are quite willing to comply with and enter into this legislation. As I understand it, the regulations developed by those industries will be administered by their peak bodies, provided they are bodies corporate. I understand that AQIS accreditation will be accepted as meeting state regulatory standards so that no industry will be expected to have double accreditation. The seafood processing industry has been exempted from this legislation because it is required to comply with AQIS standards already.

However, I mention concerns raised with me with regard to the seafood industry. For instance, if a prawn or lobster boat has joint licences—a number of lobster licensees also hold a scale fish licence—will they be slugged with two industry requirements? Will there be an element of double dipping? As it stands currently, I understand they are compliant with their lobster requirement under AQIS requirements, but I understand that a different set of regulations, and therefore a different set of fees, will be applicable to their scale fish licence. Will they now have double the paperwork and will they have additional fees? If that is the case, again the opposition raises some serious concerns.

It is worthwhile also, because so much of our primary industries legislation appears to mirror that of Victoria a year or two behind, raising some issues reported in the Victorian *Weekly Times* of 19 May this year in relation to the rising cost of having an aquaculture licence. As part of that, huge additional costs are being imposed on Victorian members of the aquaculture industry as a result of PrimeSafe, its food safety scheme and laws. Almost two pages are devoted to the concerns being raised by the aquaculturalists in Victoria. It is worth reading part of an article entitled 'Another $200, more rules the last claw for Greg', which states:

Victoria's biggest yabby dealer, Greg Williams, could move to New South Wales rather than operate under new Victorian food safety laws. Mr Williams said he was among up to 90 per cent of the state's yabby growers who could go out of business rather than work under the laws. The move comes after lean years for growers, who have been hit by repeated dry seasons. Mr Williams said the food safety rules were being introduced for a product that was sold live, presented low risks until it was cooked.

Mr Williams then states:

Everyone agrees with food safety, but they (PrimeSafe) are coming in with a heavy handed approach and they haven't identified the food safety risk with live yabbies. Four years ago the Bracks government gave us a rural innovators award and here they are now going another way. We are looking to New South Wales for any further expansion.

The article goes on:

Mr Williams has a multi-water licence, which allows him to buy yabbies from about 80 producers and on sell them to consumers. He fears the rules will result in him being slugged $200 for every supplier's PrimeSafe licence, costing him about $16 000 a year.

I seek the assurance of this government that we will not have such double dipping here, that some degree of commonsense will be applied to food safety regulations, because the argument with crustaceans is very real. The risks of spreading some sort of disease from a live yabby yet to be cooked is minimal, to say the least. The same applies to our oyster industry. There is minimal risk until they are processed or at least opened.

I am concerned on two fronts: first, that we will suddenly find particularly our fishing and aquaculture industries up for multiple licences, multiple inspections and yet another plethora of rules which impede their ability to proceed with their developing businesses. I would like assurances that we will not have the same sort of problems developing as have obviously developed with the aquaculture industry in Victoria.

While on the surface I am fairly confident I will get those assurances, I want to be able to go to my constituency and say that I asked those questions and this is what was said. I am already getting reports that, as a result of the meat legislation which we passed earlier in the year in good faith, the industry is seeing a great increase in the number of inspectors and inspections of butcher shops and licensed meat premises. It has already been the nail in the coffin for some businesses and a couple more abattoirs have closed. A number of the inspectors are being nothing short of threatening rather than helpful and advisory to those butcher shops and slaughter houses.

The opposition acknowledges the necessity for safe food practices, safe food handling and the ability to prove that for our export markets, but I do not want to see us become so pedantic about these rules that it results in the demise of a number of our industries.

The Hon. IAN GILFILLAN: In speaking to this bill, I find it interesting that it has been brought before us when not a month ago we amended the Meat Hygiene Act 1994. I am not sure whether the amendments that we passed have been proclaimed, and I do not know whether the shadow minister has that information.

The Hon. Caroline Schaefer interjecting:

The Hon. IAN GILFILLAN: She doesn't. Now we are being asked to repeal the entire act. It is an absolute waste of parliament's time and indicative of the callous disregard that is shown to this place by the government. The bill replaces the Meat Hygiene Act and the Dairy Industry Act 1992. Specific measures set out in those two acts will be replaced with a one-size fits all act that seeks to do all its real work through regulations. The Democrats are deeply concerned about the growing trend of the government to propose, and in many cases the opposition to support, motherhood acts that give enormous latitude to ministers.

In dealing with this bill, I echo concerns raised in the other place that this bill has the potential of becoming a bureaucratic nightmare. I question whether the legislation is necessary, notwithstanding the need for some regulation in the seafood industry, which the Democrats support and which could be achieved through a dedicated act. This bill is an addition to the Food Act 2001 and does not limit or derogate from it. The Food Act calls up the Food Standards Code of Australia, in particular chapter 3, which is not complete. Chapter 3.2.1 (food safety plans) is not in place because the states and the commonwealth have not yet come to an agreement on how to implement it across Australia. I note that the minister has indicated that a number of these plans are currently in the pipeline.

By the unilateral actions of the Rann administration here, this bill is jumping the gun. It has overtones of the Victorian Kennett government about eight years ago with the introduction of its food act. That was a nightmare in Victoria which upset and antagonised the state and was effectively overruled when the Council of Australian Governments (COAG) initiated the federal food laws that were then adopted by all the states by mutual agreement.

This bill is nothing more than a de facto food safety plan along the lines of that proposed by the Food Standards of Australia and New Zealand and should be held in abeyance until the development of the Australia-wide application of chapter 3.2.1 of the commonwealth Food Standards Code. This is currently being considered by the Food Standards of Australia and New Zealand Board and will then be presented to COAG. This standard will then almost certainly override this proposed state legislation.

The initial motivation for this bill is section 7 of the Food Act. That section exempts primary food production from parts 5, 7 and 8 of the Food Act. Part 5 relates to improvement notices and orders, part 7 is auditing and part 8 is notification. There is no sound or logical reason why primary producers should have been exempt in the first place and, if they were, they could have been included as a separate section in the Food Act. As it stands, this bill just increases the level of bureaucracy and food safety regulation and duplicates the control mechanisms of the Department of Human Services in another state department.

To look at some of the clauses in more detail—clause 8 of the bill stands in jarring contrast to section 7 of the Food Act. This implies two types of 'primary' food in the state. The Food Act's definition of primary produce should be included in the bill in exactly the same manner as 'unsafe' and 'unsuitable' (clause 3) to have the same meaning as in the Food Act. Likewise 'sell' in the bill must really have the same meaning as in the Food Act and not contain further add-ons. The Food Act requires a once-only notification without any fee and then auditing. This bill requires annual accreditation with a fee and then auditing. One must ask why this bill seeks to vary these matters in this way.

The minister mentioned that we need to deal with this quickly as a result of national competition policy. Does this simply relate to the NCP requirements for review of the dairy industry? In regard to the advisory councils, when we dealt with the Meat Hygiene Bill we set out in the legislation what interests should be included on the council. However, under

these proposed arrangements, this will be determined by the minister. One thing that was lacking from the meat hygiene legislation was a consumer representative, particularly as with that sector a number of retailers were also picked up by the act. I wonder whether the minister would consider including a consumer representative on appropriate advisory committees.

Under this bill, food safety schemes can be established at the request of the industry or the government, on its own volition after consultation, can establish a scheme. It is important for the public to have confidence in the safety of the food supply; no-one denies that. This process should be as open and transparent as possible. It is incumbent on the government to allocate sufficient resources to the identification of existing and emerging risks and to address these appropriately. I would also expect a mechanism to be put in place for third parties to bring to the government's attention the need for reviews and schemes in particular areas. I indicate that we would much rather parliament spent more time debating this bill. However, in light of the urgency that the government has impressed upon us, and our understanding that the opposition intends to support the bill, there is little point in a long, extended debate and we indicate, although with the misgivings that I previously indicated, that we will not oppose or hold up the bill.

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank members for their contributions. As I understand it, the Liberal Party's position is that it will be asking some questions during the committee stage.

An honourable member interjecting:

The Hon. T.G. ROBERTS: I cannot answer them in my summary because I do not have the advice that is required, so they will have to be answered during the committee stage. The Democrats have placed on the record some concerns they have in relation to consumer advocates on advisory committees and third party involvement in recommending review processes. I will also try to answer those questions during the committee stage. This bill will allow South Australia to develop systems that are cost effective for both government and industry, because it does not lead to a one size fits all approach. The bill has the ability to develop structures and systems that are proportional to the food safety risks and complexities of industry, and this will help government and industry to put resources where they have the most impact. This bill will provide a robust whole of government system with the Food Act, as they are closely connected and complementary to each other, and this legislative framework is well supported by a strong collaborative approach between all arms of government involved in food safety in South Australia, local, state and federal.

A number of memorandums of understanding, working groups and a committee are in place to ensure that any issues across government are managed cooperatively and effectively. Those industries that must have regulatory controls are very pleased that this bill will enable our system to be recognised when they have to meet food safety outcomes required by legislation. They wanted to have input and a voice in what administrative arrangements are needed to implement food safety standards. This has been heard, and the bill requires the minister to listen to their advice.

This model works very well in the dairy, meat and shellfish industries, and it probably reflects why these industries are supporting the bill. In fact, this bill has taken significant time to reach this stage because there has been a lot of consultation and discussion with a lot of industry stakeholders about how it can meet their needs and still effectively address the needs of public health and consumers. South Australia has an export target for the food industry of $15 billion by 2010. To achieve this target it is essential that consumers, both here and overseas, continue to have the utmost confidence in the food that we produce from our farms and boats. This bill will help to maintain that confidence, providing one act for primary industries instead of multiple acts; by helping to manage any future food risks as they emerge; by helping industry and government to work closely together towards the production of safe food; and by having a focus on putting in place systems to prevent problems. It is a dual system in that the Food Act and public health authorities have overall control and authority, while this bill provides support to the public health system and also supports industry access to markets. The bill replicates similar initiatives in other states and overseas. South Australia needs this bill so that we can continue to be a leading state in Australia for the safe production and export of quality food. I thank honourable members for their support.

Bill read a second time.

In committee.

The CHAIRMAN: I have no indicated amendments. I think there is some understanding that questions will be answered under the first clause.

Clause 1.

The Hon. CAROLINE SCHAEFER: I will probably have a number of questions as we go through. In my second reading speech I sought an assurance that there would be no element of double dipping, in that I sought to be assured that no primary producer would be asked to hold multiple licences. In a roundabout way, I raised a number of concerns in relation to the amount of fees that may be required for accreditation. This legislation is like so many of the pieces of legislation that we now see: it is very strong with a big stick, but I cannot see too many carrots. It is with some alarm that I note that almost all penalties involve a $20 000 fine, for instance.

I again seek an assurance from the minister that we are not giving tacit approval to something that will, in fact, limit people's capacity to conduct their business. They are some of my early concerns. Along with the Hon. Ian Gilfillan, I seek an explanation of who will be on the accrediting bodies. They are to be selected by the minister. I would like some assurance that at least representatives of the industry and the consumer bodies are part of those accrediting groups and, if necessary, I will support an amendment by Mr Gilfillan to ensure that that is the case.

The CHAIRMAN: There is a fairly extensive list of questions. Minister, are you in a position to answer any of those?

The Hon. T.G. ROBERTS: Not in relation to clauses, but I have got some replies for draft at the moment to some of the questions. In relation to double penalties or double dipping, the advice I have been given is that, if a business such as a prawn boat or crayfish boat has systems that meet with the standards, they will be recognised and there will not be a requirement for multiple licences. In relation to the problems that Victoria had—

The Hon. CAROLINE SCHAEFER: Can I just ask a question? You have said that they will not incur multiple penalties but, if they have what are essentially two or three different licences, for instance, a scale fish licence and a

shellfish licence, are they going to have to have two sets of licences? Are they going to have to hold multiple food safety licences?

The Hon. T.G. ROBERTS: The multiple licences relating to access to catch will remain, but there will be a single licence for the hygiene and food preparation. I have an answer to one other question, while the Victorian one is hastily being drafted. Wherever there is a national standard endorsed by ministers, it will be adopted in South Australia, for example, the meat industry. Does that make sense?

Clause passed.

Clauses 2 to 9 passed.

Clause 10.

The Hon. IAN GILFILLAN: I talked in my second reading contribution about the composition of committees, and that representation of relevant industry bodies is in the text of the bill. Is the minister able to make clear whether the government will either include a consumer representative or actively consider, with whoever is going to be relevant to the discussion, whether in the government's opinion there is reason to include a consumer representative on this advisory committee, if we are talking about that specifically? I am quite happy to have an undertaking from the minister that that matter will be pursued, because I cannot see any reason why the government would oppose it, but I do not want to do more than just reflect that I made that point, I thought, quite strongly in my second reading contribution. The Democrats believe that it is appropriate and that there should be a consumer representative on the advisory committee.

The Hon. T.G. ROBERTS: I am advised that the government is not opposed to consumer representation in providing advice. Clause 10(3)(a) provides 'for the membership of the committee (which must, as the minister considers appropriate, include representation of relevant industry bodies)'. It could possibly be multiple committees, but there is no opposition from the government to include consumer representation in that system.

The Hon. IAN GILFILLAN: Can I just have a slight alteration in the wording from the minister? It is of great comfort that the government does not oppose this, but maybe it could put a better spin on it and say that the government actually would welcome the involvement of a consumer representative in the advisory committee or other relative committees.

The CHAIRMAN: 'Actively encourage', I think is the phrase.

The Hon. T.G. ROBERTS: The government would welcome a consumer advocate on one or other of those committees.

Clause passed.

Clause 11 passed.

Clause 12.

The Hon. CAROLINE SCHAEFER: In the absence of being quite sure where I should ask these questions (it may be here or it may be later in the bill), constantly we read throughout this bill that an application for accreditation, for instance, must be accompanied by the fee fixed by regulation. When I had my briefing on this bill, I said, 'Well, what size are the fees likely to be?' It was pointed out to me that they will vary from primary industry to primary industry. The fee for accreditation for meat processing finance may be quite different from the fee for accreditation within the grain industry.

I would like some detail as to what that fee will be based on. There is always a fear that it will be based on how much someone in the bureaucracy (your industry) considers someone can afford to pay. Will it be based on a percentage of turnover for that business? Will it be based on—as, for instance, WorkCover is—a risk-based factor across industries? I just have this ghastly feeling that I am part of a consortium that is signing a blank cheque. I would very much like some indication of what these fees are likely to be. We read in the Victorian paper of a yabby producer having to pay $16 000 worth of licences. Well, there are not too many yabby producers in South Australia who would show that amount of profit at this stage. I would like an indication of what the fees are going to be based on. What formula will be used?

The Hon. T.G. ROBERTS: I am advised that the services that are required, as well as the risk levels and complexities of the particular section, will come into play; and that the degree of interaction between government services and sections of the industry will come into play. I am also advised that the advisory committee, which will comprise industry representatives, will be able to give the best advice to the government at the time those fees are set. So, there will be technical advice and support by industry representatives as well as government participation in recognising those complexities and risks.

The Hon. CAROLINE SCHAEFER: I refer to the meat industry as an example, because it already has a voluntary code of practice. Would the minister see that, under this mandatory scheme, the meat industry will be charged on an annual basis more, less or the same as it currently is? I think that one of the things that is concerning producers is that one can assume that yet another layer of accreditation will be required. The farmer who is actually breeding lean lambs for market will be required to have some form of accreditation, and he really does not know yet what the rules will be, let alone how much money he will be charged. I am not asking for a dollar figure, but it would be nice to have some clue as to whether I am complicit in requiring a $200 fee per farm or a $200 fee per truckload of sheep, for instance.

The Hon. T.G. ROBERTS: I am advised that, unless the national standards change, the mandatory codes that are in place will remain applicable, and that the fees that are applied or that apply now will be the same or similar. There is no immediate intention in relation to livestock fees.

Clause passed.

Clause 13.

The Hon. T.G. ROBERTS: In relation to the question asked previously by the Hon. Caroline Schaefer about the difference between South Australia and Victoria and the difficulties that Victoria experienced, the reply provided to me is that Victoria requires food and safety programs. The national standard does not require this, and therefore South Australia will not require it because it is based on the national standards. Also, South Australia has had extensive consultation and, before any are imposed, the requirements will be discussed. Victoria had very limited consultation processes.

Clause passed.

Clauses 14 to 26 passed.

Clause 27.

The Hon. CAROLINE SCHAEFER: I guess my comments and/or questions are in regard to the whole of Part 4, which some of us will no longer be surprised to see is one of the larger parts of the bill. Part 4 is entitled 'Enforcement', and my concerns are with clause 27-General Powers of Authorised Officers. For the record, I want to read in some

of the powers of an authorised officer. An authorised person may:

(a) enter and inspect and, if necessary, use reasonable force to break into or open—
  (i) any place or vehicle to which this section applies; or
  (ii) any part of, or anything in or on, any place or vehicle to which this section applies; and
(b) give directions with respect to the stopping or movement of a vehicle to which this section applies; and
(c) take samples of or from any primary produce, substance or thing. . .
(d) mark, or direct the marking of, primary produce. . .
(e) seize and retain any primary produce, or issue a seizure order in respect of any primary produce—
  (i) if the authorised [officer] reasonably suspects—

again, we come into this debate of what is reasonable—

  that the produce may be unsafe or unsuitable; or
  (ii) in order to prevent the produce being processed before it can be determined to be safe and suitable;

The authorised officers may also:

(f) seize and retain, or issue a seizure order in respect of, anything that the authorised person—

again—

  reasonably suspects may have been used in, or may constitute evidence of, a contravention of this Act;

They may also 'examine or test any plant, equipment, vehicle or other thing'. They may:

require any person to produce any documents, including a written record. . . examine, copy or take extracts from any documents or information. . . take photographs, films or audio, video or other recordings. . . require a person who the authorised [officer] reasonably suspects—

and, again, I underline 'reasonably suspects'—

has committed, is committing or is about to commit a contravention of this Act. . . require a person who the authorised person reasonably suspects has knowledge of matters in respect of which information is required. . . require a person holding or required to hold an accreditation to produce it for inspection. . . [and] give any directions required in connection with the exercise of power conferred on by any of the paragraphs above. . .

We are talking here about food safety issues, not about the prevention of terrorism. Again (and I seem to be saying this regularly), it concerns me what powers authorised officers are being given in our legislation. As I say, we are not talking about biosecurity and biosecurity terrorism here: we are talking about some poor butcher who is trying to get some sausages onto his shelf. I just believe that this is the use of powers to an unnecessary extent. I have not yet got to what these poor devils will be fined: it is a maximum penalty of $10 000 or imprisonment for two years.

I do not know what I can do about this, but I want it on the record that I think we are using sledgehammers to crack very small nuts. Australia and South Australia have a reputation for some of the safest food and safest food processing in the world. We have some of the most stringent tests for residual pesticides and chemicals, for instance, anywhere in the world. It is why we do so well selling our produce overseas; it is because we already have in place very safe food standards. It then begs the question of why we need to impose laws that are this stringent. My question is: how many additional auditors/inspectors/authorised persons does the minister anticipate will be employed as a result of this new act?

The Hon. T.G. ROBERTS: I thank the honourable member for her question, and I thank her for not using the word 'draconian'—'stringent' was good enough. The guidelines for the clauses in this bill are sections from the Meat Hygiene Act and the Food Act 2001. I am told that the clause is not as stringent as the current Food Act stands. The number of people required to inspect or police the bill has not been a focus. As the honourable member points out, South Australia has not been the central focus in any of the major problems facing the meat industry over the years, so we do not have any numbers that we can give other than to say that they would be minimal. The fact is that, if something does go wrong and there does need to be an investigation and possible prosecutions, history has shown that we need very stringent rules to be guided by when trying to enforce the act. In Australia over time we have had a lot of breaches of the Food Act around the place that indicate, if called upon to use them, they need to be prescriptive enough to secure prosecution.

The Hon. CAROLINE SCHAEFER: I am not happy with that explanation, because this legislation says nothing about people being available in the event of something going wrong. This legislation is about random, unsolicited people entering and seizing, and doing all those draconian things I described previously. This is about random audits. This is not about someone who has done the right or wrong thing. This is not about taking action if there has been a transgression of the food safety laws: this is about people going out there and randomly entering, seizing and requiring records, simply because they—whoever they might be—reasonably suspect something.

The Hon. T.G. ROBERTS: Again, it is to enforce the act. It is not to do random checks for hygiene. It is to carry out the enforcement provisions that are used to ensure that when something does go wrong those powers are available.

The Hon. CAROLINE SCHAEFER: I might have the wrong clause, but I am sure I have read that these authorised officers have the right to audit unsolicited and randomly. Then they have the right to enforce any or all of the powers that I have previously read out, if they 'reasonably suspect'. That equates to someone arriving on my doorstep and saying, 'I am here to randomly audit.' Then if they do not happen to like me they will reasonably suspect that I have done something wrong, and they can enter, seize, and do all the other things which would certainly temporarily, and possibly permanently, close down my business, whether or not I had done anything wrong.

The Hon. T.G. ROBERTS: I am advised that, if an audit shows that there is a case to answer, those powers, or parts of them, will be enacted—but something would have to show in the audit.

The Hon. CAROLINE SCHAEFER: It is one of those times when we are dealing with a dog's breakfast (for want of a better term) with or without inspection. I do not propose to move amendments because I think it would be too difficult to do so, but I put on record that I have grave concerns that this legislation will require a huge number of extra inspectors to guarantee compliance across the state in all food industries. That in itself will become an industry which has to be funded from people's fees. Indeed, we will have a mandatory system of enforcement, which is unnecessary and which is detrimental to the expansion of the food industry in South Australia.

The Hon. T.G. ROBERTS: I think that is a statement more than a question. I understand the honourable member's concerns. If it is a dog's breakfast, I hope the legislation makes it a hygienic dog's breakfast.

Clause passed.

Remaining clauses (28 to 46), schedule and title passed.

Bill reported without amendment; committee's report adopted.

Bill read a third time and passed.

CRIMINAL LAW CONSOLIDATION (ABOLITION OF THE DRUNK'S DEFENCE) AMENDMENT BILL

Second reading.

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I move:

That this bill be now read a second time.

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

Leave granted.

This Bill, as its title suggests, seeks to amend the criminal law to abolish what is commonly known as "the drunk's defence". To put it another way, the Bill seeks to overturn the majority decision of the High Court in *O'Connor* (1979) 146 CLR 64. That is not easy to do. The law to which we seek to return was itself complicated and controversial. To understand what the Bill seeks to do, it is necessary to look at the history of the law on intoxication as a "defence" to certain crimes.

The modern history on intoxication and criminal liability begins in 1920 with the decision in *Beard* [1920] AC 479. In that case, the accused was charged with murder. He was intoxicated at the time he committed the offence. The highest court in England was asked to review the law on the relationship between intoxication and criminal responsibility. The decision itself sparked a great deal of analysis and debate but, whatever the decision was supposed to mean, there is no doubt about what it was taken to mean.

The decision established the law to be the following. Almost all serious offences—with very few exceptions—require proof of some kind of criminal fault that is personal to the accused, commonly intention or knowledge. Serious offences are classified into two groups—crimes of "specific intent" and crimes of "basic intent". The rule is that the accused may use evidence of self-induced intoxication to show that he or she did not have the "specific intent" required for "specific intent" offences, but may not use evidence of self-induced intoxication to show that he or she did not have the "basic intent" required for "basic intent" offences".

That was the common law in Australia until 1979, when the High Court decided *O'Connor*. In that case, the accused was seen by an off-duty policeman opening the policeman's car and removing a map-holder and a folding knife from the glove-box. When the policeman asked the accused what he was doing, the accused fled. The policeman caught him and they struggled. In the course of the struggle, the policeman was stabbed with the knife. The accused said that he was heavily intoxicated through a combination of alcohol and tablets with hallucinogenic effect. The evidence of intoxication was, however, weak. He was charged with the offences of stealing and wounding with intent to resist arrest, both of which are offences of 'specific intent'. The trial judge directed the jury in accordance with the *Beard* rules. The jury believed that the defendant was so intoxicated that he did not form those specific intents required for those offences and, instead, convicted him of unlawful and malicious wounding, a crime of 'basic intent'.

The defendant appealed conviction on the ground that the *Beard* direction was wrong. The High Court split 4/3 on the question. The majority ruled that the *Beard* rules were wrong and that they should not be replaced with any special common law rules at all. If there were to be any changes to the common law general principles, they should be imposed by the Parliament. The result of this decision was that, at common law, intoxication could be used to deny, on the facts, that the accused had any kind of fault element for any kind of offence at all.

The Government believes as a matter of policy that this decision is wrong. It promised at the last election to reverse it. This Bill fulfils that promise. As with the *Beard* rules, the Bill does not say that intoxication is never relevant to criminal liability; it will be relevant in some cases and not others.

The policy behind the Bill is, however, easy to explain. In justifying the *Beard* rules in the later decision of *Majewski* [1977] AC 443, members of the House of Lords made statements with which the Government thoroughly agrees. For example:

> "If there were to be no penal sanction for any injury unlawfully inflicted under the complete mastery of drink or drugs, voluntarily taken, the social consequence could be appalling. … It would shock the public, it would certainly bring the law into contempt and it would certainly increase one of the really serious menaces facing society today.

and

> "If a man of his own volition takes a substance which causes him to cast off the restraints of reason and conscience, no wrong is done to him by holding him answerable criminally for any injury he may do while in that condition. His course of conduct in reducing himself by drugs and drink to that condition in my view supplies the evidence for *mens rea* [criminal fault], of guilty mind certainly sufficient for crimes of basic intent. … The drunkenness is itself an intrinsic, an integral part of the crime, the other part being the evidence of the unlawful use of force against the victim. Together they add up to criminal recklessness.

General public policy aside, another problem is that the common law may lead to undeserved acquittals. Some would say that it does not matter if the general principles are right if they get to the wrong result—or that the judgment that the principles are right is in itself shown to be wrong by their results. These acquittals are not common but they do occur—and when they occur, the public shows what it thinks of them. The decision in *O'Connor* itself caused a public controversy. More recently, there was the decision in the ACT Magistrates Court in a case known as *Nadruku*. The defendant was a prominent member of a professional rugby club. He began drinking in various licensed premises at about 1pm on a Saturday. Just after midnight, the defendant struck two women within 10 minutes. He was charged with common assault. There was no doubt that he struck the women concerned. The case turned on intoxication. The ACT, like South Australia and Victoria, is ruled by the common law and hence the *O'Connor* principles.

The defendant gave evidence. He said that he was drinking at a rate of about three schooners of full strength beer an hour. He had about 12-20 of these and then consumed about half a bottle of wine, and then resumed drinking beer. He was understandably less precise about how much he consumed after that. He did not eat anything during that period, nor could he recall the assaults. There was good evidence that, by the time he was taken to the police station after the assaults, he was "comatose"—barely conscious. Expert evidence was also presented. The effect of it was that the blood alcohol level of the defendant at the time could have been anything from 0.3 to 0.4 and that such levels were capable of causing death from respiratory failure. The defendant had built up some tolerance to alcohol but must have been in a state of "alcoholic blackout" or "serious organic interruption in his brain". The Magistrate acquitted him, saying simply: "That the degree of intoxication is so overwhelming to the extent that the defendant, in my view, did not know what he did and did not form any intent as to what he was doing.".

The acquittal provoked some outrage—not least from the Magistrate himself. Although not commenting on the law, he said of the defendant's behaviour: "The two young ladies were unsuspecting victims of drunken thuggery, effectively both being king hit. The assaults were a disgraceful act of cowardice.

Not only are these acquittals, although rare, unacceptable, but the fact that the current law makes them possible is unacceptable. The law must be changed to accord with what the public expects of it. It is clear that the public does not condone drunken violence. Nor will this Government. The question is not whether to do something—the question is what to do.

A moment's thought will show that complete abolition is not an acceptable answer. Suppose one of the women hit by Nadruku had died. If the law was such that intoxication was wholly irrelevant to criminal responsibility, Nadruku would be deemed guilty of murder. That would not be the right result. It would, wrongly, classify Nadruku together with those who kill intentionally or recklessly. That would not only value his conduct wrongly, it would devalue theirs. No comparable jurisdiction has ever taken that position. The hypothetical Nadruku may be a thug, but he is not a murderer. On the other hand, it would not violate commonsense to classify him with those who cause death by dangerous driving or other criminally negligent behaviour and convict him of manslaughter. And, if death did not occur, it does not violate commonsense to convict him of assault.

But how do we get to that result? An obvious alternative would be to return to the *Beard/Majewski* rules which governed the common law position in Australia and hence in South Australia between 1920 and 1979. In general terms, those rules would acquit

of murder and convict of manslaughter. This may be the right result, but such an option poses problems that I will enumerate.

1. The basic principles of general criminal responsibility have changed and become more complicated than when *Beard* was decided. For example, in the last 50 years, the common law developed the notion that the act which caused the crime must be committed "voluntarily" for liability to attach. Notable examples of involuntariness which defined, and continue to be at the centre of, the genre were sleepwalking, spasms or convulsions, concussion and, more controversially, reflex actions and hysterical dissociation. It is also clear that a person may be so intoxicated by drink or drugs (or both) so as to act involuntarily. The *Beard* rules do not cope with this. If the law is to be changed, voluntariness must be addressed. In essence, this must mean that the voluntariness of any act would be assessed on the fictional basis that the accused was sober and, hence, it would be presumed that the accused acted voluntarily.

2. The law on criminal fault has also changed. In Australia, there has been less stress on intent and more on liability for recklessness. The *Beard* rules do not address this at all. That has not been a problem in England, because the English definition of recklessness, until very recently, judged the accused against the standard of conduct expected of a reasonable person and, of course, the reasonable person is not intoxicated. In Australia, the test for recklessness does not include reference to a reasonable person. This too must be addressed in any solution.

3. More fundamentally, the major problem with framing the *Beard* rules into legislation is that no-one can agree on what is and what is not "basic intent" and "specific intent". How then did the rules work? The answer is that, in practice, before *O'Connor*, where the *Beard* rules applied, the classification of offences into those of "specific intent", where the accused could argue intoxication, and those of "basic intent", where the accused could not argue intoxication, was done by simply listing all the offences that had been the subject of judicial decision. Over the years, the courts had decided a great number of appeals on the subject and, while the general principles were unintelligible, authority decided the classification of the offence. If there was no authority, one waited for it.

Clearly, then, the *Beard* rules pose formidable difficulties. But there is an alternative. The Model Criminal Code Officers Committee was directed by the Standing Committee of Attorneys General to devise a solution. It did so. It has an effect similar to the *Beard* rules, but not identical. The basis of this solution is an attempt to define "basic intent" rather than try to define the slippery notion of "specific intent". The result is that self-induced intoxication cannot be taken into account to deny voluntariness and the intention with which the act was done, but can be taken into account to deny any other fault element, whatever that might be. It is this approach to reinstating a version of the *Beard* rules that forms the basis of the amendments proposed by this Bill.

The general principles work in the following way. All serious criminal offences consist of "physical elements" and "fault elements". Together, these elements make up a crime. All physical elements and all fault elements must be present at more or less the same time to make a person guilty of the crime. These elements are set by the *legal* definition of the offence. In South Australia, the crime and, hence, its elements, may be set out in legislation by Parliament or they may be wholly created by judges at common law, or they may be a mixture of both sources. In general terms, physical elements describe or define matters or events external to the accused. In equally general terms, fault elements describe or define either the state of mind *of the accused* in relation to the offence that must be proved for guilt to attach, or a hypothetical state of mind by which the accused must be legally judged for guilt to attach.

Physical elements may be conduct and circumstances that describe conduct or consequences, or both. Conduct may consist of an act, an omission or a state of affairs, but is usually an act. Fault elements often attach to these physical elements. Invariably, for example, an act must be done intentionally for criminal liability to attach. An act must also be done "voluntarily" in the sense described before. This can be illustrated by the crime of murder. Generally, so far as physical elements are concerned, murder has two physical elements. It requires proof of any act (the conduct) that causes death (the result). Murder has no legal element that is a circumstance. Fault elements attach to these physical elements. The act must be done intentionally. There are various alternative fault elements for the result, but an intention to kill, recklessness as to death, an intention to cause grievous bodily harm, or recklessness as to the causing of grievous bodily harm, will all suffice. As a matter of completeness, there is also a category of constructive murder but, for present purposes, that can be left aside.

The key to the proposal contained in the Bill is in proposed section 268(2). The effect of it is that, if (a) the prosecution establishes the physical elements of the offence against the accused (called in this Act the "objective elements of the offence") and (b) the accused is grossly impaired by self-induced intoxication, then (c) the conduct (act, omission or state of affairs) is assumed to be both intentional and voluntary. As the example points out, that does not necessarily mean that the accused will be guilty of the whole offence. If the crime alleged requires proof of fault for a circumstance or a result, for example, the fault elements for that circumstance or result are not presumed, and it is open for the accused to deny those fault elements by reason of self-induced intoxication.

In the case of homicide, as the example points out, that means that the accused cannot use self-induced intoxication to deny that the act that caused death was both voluntary and intended. The accused can, however, use self-induced intoxication to deny any fault required as to the result caused by his or her act. Ordinarily, that will not avail much, for there is a natural alternative lesser offence of manslaughter, which requires proof of criminal negligence as to the result. It is not possible to use self-induced intoxication as an answer to an allegation of criminal negligence.

That fact explains proposed section 268(4) and (5). The aim of these subsections is to provide negligence based fall-back offences for offences against the person. Since these fall-back offences require, for liability to be established, only criminal negligence as to the resulting harm, the accused cannot plead intoxication to deny the required fault element.

Three further matters require comment. The first is a refinement of what it means to analyse the legal elements of an offence in this way. Under the proposed scheme, self-induced intoxication is relevant to fault as to results. In this it reaches the same position as does the rule based on "specific intent". The difficulty with the proposed scheme lies in the distinction between conduct on the one hand and circumstances on the other hand. This problem was never confronted by the *Beard* rules and needs more detailed explanation. The line between what is conduct and what is a circumstance—and, therefore, what is fault as to conduct ("basic intent") and what is fault as to a circumstance (not "basic intent") is neither fixed nor easy to draw. For example, it might be thought, for the offence of illegal use of a motor vehicle, that the fact that it was a motor vehicle as opposed to anything else is so tied up with the act of illegal use that the fact of being a motor vehicle is part of the act. On the other hand, it might be thought that, for an offence of illegally catching undersized lobster, that it was undersized lobster that was caught is sufficiently independent from the act of taking it as to warrant saying that the fact that it was undersized lobster is not part of the act of catching but a separate element of the offence. This sort of analysis is a matter of degree. It will be a question of law to be decided for any given offence. It is clearly not possible to state in this Bill what the result for all cases will be. It will have to be left to judicial determination.

The second matter that requires mention is the problem of fault elements that have no physical elements. These are quite common. They are commonly expressed as doing something "with intent to" do something else. The result need not have actually happened. What is punished is the doing of the act with the intention of achieving the forbidden result. A good example is wounding with intent to cause grievous bodily harm. It is not necessary that any grievous bodily harm actually happened. What is punished is the wounding with the intent that it would happen. Under both *Beard* rules and the proposed scheme, intoxication can be used to deny the further intent, but cannot be used to deny the intention to commit the act performed—in the example, the wounding.

The third matter that requires comment is the confusion that sometimes arises between an act and its consequences. For example, the offence of malicious wounding can, it could be argued, be viewed in two distinct ways. The first way is that the act is the wounding itself. If this view is taken then, under the *Beard* rules and the proposed scheme in this Bill, an accused could not deny forming an intention to wound by claiming that he or she was intoxicated at

the time. The second way is to separate the act from its result—the causing of the wound. If this view is taken, then the wounding becomes a result and, under the *Beard* rules and the proposed scheme in this Bill, an accused could deny forming an intention to wound by claiming that he or she was intoxicated at the time.

This is a real problem. Under traditional intoxication rules before *O'Connor*, the first view is the correct one. But that position was complicated (unintentionally) by developments in the 1960s and 1970s. At that time, the common law courts were developing the role of recklessness in the criminal law as a supplement to intention and knowledge and, in so doing, widening the basis of criminal responsibility. That was true of a number of offences, but among them were wounding and assault. For the courts to reach the position where an assault or a wounding could be committed recklessly, they had to separate the act from its results. This was so because, as a matter of common-sense, people do not *act* recklessly. They act intentionally or knowingly, being reckless as to the consequences of what they do. Reckless drivers are not reckless about the act of driving—they are reckless about the consequences of their intentional act of driving. So to have reckless wounding, for example, the courts separated the act and its wounding effect. A good example is *Hoskin* (1974) 9 SASR 531. What the courts did not pick up was that, in so doing, they created an anomaly in the area of intoxication—for if wounding (for example) was an act and a result, then the fault in relation to the result *should have been* a specific intent. The anomaly was never addressed because *O'Connor* removed the need to address it a few years later and because there was very well established law that wounding was a crime of basic intent, however analysed.

The closest anyone came to finding that this problem existed was Barwick CJ in *O'Connor* itself. He said (at 76-77):

> Further, the question distinguishes in relation to intent, between the physical act and its result as embodied in the indictment or charge: it speaks of the act constituting the assault. This precision in statement may, in my opinion, be important. In the present case, for example, the conviction is of unlawful wounding. But the physical act which supported it was the stabbing with a knife. Doubtless, such an act would be likely to wound. But in relation to intent, it is important, none the less, I think, to distinguish between an intent to use the knife and an intent to wound. In a sense, wounding is a result of the stabbing: perhaps an immediate result. In what follows, I have taken a minimal position in relation to intent and say that at the least an intent to do the physical act involved in the crime charged is indispensable to criminal responsibility. It thus becomes unnecessary for me to discuss in relation, for example, to a charge of unlawful wounding, whether or no there must be an actual intent to wound; that is to say, an intent to produce the described result of the physical act which is intended to be done.
>
> This is not to say that, in my opinion, an intent to produce a result is not included in the relevant mens rea. In relation to many charges of what are styled crimes of "basic intent" an intent to produce a result will be found to be necessary from the very description of the crime. It may be that such an intent is universally required. But, for the purpose of the present discussion, it seems to me to be unnecessary to explore that question. It suffices for my present purposes that at least an intention to do the physical act involved in the crime charged is indispensable to criminal responsibility.

Of course, Barwick CJ did not need to resolve this problem. His decision, and that of the court, made it unnecessary to do so, for the old rules requiring the distinction were swept aside. Restoring the law does require a solution. It must be that an "immediate result" of the kind referred to by His Honour is a part of the act. The purpose of this Bill is to restore a set of rules very close to the old *Beard* rules. The old rules were anomalous in some ways. This was one of them. Pure logic cannot be applied in every situation. Wounding and assault should be treated as if they simply required an intentional and voluntary act, namely to wound and assault respectively, for the purposes of the drunk's defence, whatever may be the position as to liability for reckless behaviour. That has always been the position under the *Beard* rules and is intended to be restored under this Bill.

This is undeniably difficult law. But it always was difficult law. The Government promised to remove the drunk's defence. This Bill is designed to restore the common law before the decision in *O'Connor* so far as that is possible.

I commend the Bill to Members.

EXPLANATION OF CLAUSES

Part 1—Preliminary

1—Short title

2—Commencement

3—Amendment provisions

These clauses are formal.

Part 2—Amendment of *Criminal Law Consolidation Act 1935*

4—Amendment of s 267A—Definitions

This clause inserts a number of definitions of words and phrases for the purposes of the proposed amendment to section 268. In particular, proposed subsection (2) provides that intoxication resulting from the ***recreational use*** of a ***drug*** (defined to include alcohol) is to be regarded as self-induced. Proposed subsection (3) provides that if a person becomes intoxicated as a result of the combined effect of the therapeutic consumption of a drug and the recreational use of the same or another drug, the intoxication will still be regarded as self-induced.

5—Amendment of section 268—Mental element of offence to be presumed in certain cases

Current subsection (2) is to be deleted and new subsections substituted. Proposed new subsection (2) provides that if the objective elements of an alleged offence are established against a defendant but the defendant's consciousness was (or may have been) impaired by self-induced intoxication to the point of criminal irresponsibility at the time of the alleged offence, the defendant is nevertheless to be convicted of the offence if the defendant would, if his or her conduct had been voluntary and intended, have been guilty of the offence.

New subsection (3) provides that new subsection (2) does not, however, extend to a case in which it is necessary to establish that the defendant foresaw the consequences of his/her conduct or was aware of the circumstances surrounding his/her conduct.

New subsection (4) provides that if—

(a) the objective elements of an alleged offence are established against a defendant but the defendant's consciousness was (or may have been) impaired by self-induced intoxication to the point of criminal irresponsibility at the time of the alleged offence; and

(b) the defendant's conduct resulted in death; and

(c) the defendant is not liable to be convicted of the offence under subsection (1) or (2); and

(d) the defendant's conduct, if judged by the standard appropriate to a reasonable and sober person in the defendant's position, falls so short of that standard that it amounts to criminal negligence,

the defendant may be convicted of manslaughter and liable to imprisonment for life.

New subsection (5) substantively mirrors new subsection (4) except that it relates to conduct that results in serious harm (rather than death) to a victim. Such conduct would constitute the offence of causing serious harm by criminal negligence, the maximum penalty for which is imprisonment for 4 years.

Proposed new subsection (6) provides that a defendant's consciousness is taken to have been impaired to the point of criminal irresponsibility at the time of the alleged offence if it is impaired to the extent necessary at common law for an acquittal by reason only of the defendant's intoxication.

6—Amendment of section 269—Question of intoxication must be specifically raised

The amendment proposed to section 269(1) would mean that the question of intoxication may be put to the jury if either the defendant or prosecutor specifically asks for that to occur. The current situation is that only the defendant can ask that the matter of intoxication be so put.

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

PASTORAL LAND MANAGEMENT AND CONSERVATION (MISCELLANEOUS) AMENDMENT BILL

Adjourned debate on second reading.

(Continued from 26 May. Page 1627.)

The Hon. R.D. LAWSON: I rise to indicate the support of the Liberal opposition for the second reading of this bill. It is designed to facilitate the use of indigenous land use agreements, or ILUAs as we call them. My party supports the concept of ILUAs and, consistent with that support, we will support the passage of this bill. A number of amendments, which were proposed in another place by the Hon. Graham Gunn, did not obtain the support of sufficient numbers in that place. Those amendments, which relate not to the ILUA process but to other provisions of the pastoral land management bill, will be addressed by my colleague the Hon. Caroline Schaefer. In order to understand ILUAs it is necessary to provide some background history.

In 1992 the High Court in Mabo against Queensland No.2. held that traditional indigenous title to land did survive, notwithstanding the colonisation of Australia. The court overruled the doctrine of terra nullius. As a result of that decision it was necessary for the federal parliament to establish a statutory framework for identifying the persons or groups who have native title and also for providing a statutory mechanism for dealing with land that is the subject of a claim for native title.

The commonwealth parliament passed the Native Title Act at the end of December 1993, during The Year of Indigenous Persons. Regrettably, that act is extremely complex and difficult for lawyers to understand and impossible for laymen to appreciate its complexities, but the Native Title Act, coupled with the decision in the Mabo case, did not resolve all issues. Indeed, it left many unanswered. In December 1996 the High Court delivered its judgment in the Wik case. That case concerned native title claim over pastoral leases in Queensland. By the very narrowest of margins—four judges to three—the court decided that the laws which created pastoral leases in Queensland did not automatically extinguish all native title.

The decision in Wik meant that, first, native title rights may co-exist with pastoral leases, although the court held that the rights of pastoralists would prevail. Secondly, native title claims can proceed over pastoral land and claimants would have what is termed the 'right to negotiate' under the Native Title Act. Thirdly, the widely held assumption that native title was extinguished by the grant of pastoral leases was incorrect and there was and remains a potential for invalidity of government grants on pastoral leases made after the commencement of the Native Title Act.

Fourthly, the court did not in fact decide whether the Wik people actually held native title rights over the leases in question or what would be the content of such rights. Those matters were left to be considered by the federal court. This left quite some uncertainty and, to overcome that uncertainty, the federal government proposed a 10-point plan, which included a number of significant amendments to the Native Title Act. One of those amendments was a measure to facilitate the negotiation of voluntary but binding agreements as an alternative to the more formal native title machinery. Eventually the Howard government secured the passage of its package of amendments to the native title legislation, and that package included provisions which facilitate ILUAs.

ILUAs are agreements between the native title claimants and the owners or occupiers of the land over which a claim is made. The object of an ILUA is to allow parties to reach an agreement about indigenous issues without going through the expense and protracted process of a contested action in court.

It is important to note that an ILUA cannot be forced on to any party, and that is on to the native title claimants or on to pastoralists or on to governments. The essence of an ILUA is an agreement and all parties must agree and the state government must be a party to an ILUA and the government must also agree. ILUAs are required to be registered with the Native Title Tribunal. The power to make ILUAs was conferred by amendments to the Native Title Act and I commend the Native Title Tribunal for publicising widely in printed literature and on its web site information about ILUAs.

In this state, the Brown-Olsen governments were supportive of the ILUA process. The Liberal government set up a unit to facilitate the development of template, statewide ILUAs for use, for example, in the pastoral, mining and local government areas and also in relation to fishing. That process was supported by the Chamber of Mines, by the South Australian Farmers Federation, the Local Government Association, the Fishing Industry Council, the Seafood Council and also by the Aboriginal Legal Rights Movement on behalf of native title claimants.

To date there has been much work but regrettably not a great deal of success yet in negotiating ILUAs in this state. There have been two mining ILUAs, one local government ILUA, which enabled the Port Vincent marina to proceed, and one pastoral ILUA in relation to Todmorden Station. The Todmorden ILUA was signed in March this year by the Minister for Aboriginal Affairs and Reconciliation as well as the Attorney-General. I was present at that occasion, which was a very significant celebration. We hope that this will be the first of many more ILUAs in relation to pastoral leases.

There are other ILUAs in the pipeline, and I must say that, notwithstanding the slow progress of ILUAs, they are much better than the alternative, which is court action. There has been one South Australian native title claim which has been litigated extensively in the Federal Court. That relates to the De Rose Hill claim, but that matter has not yet been resolved. After a long hearing, there was a determination by Justice O'Loughlin. That determination was the subject of an appeal to the full court of the Federal Court and that court has sent the matter off for some form of mediation to resolve outstanding issues. As a result of a great deal of time, much effort and legal costs which are said to already exceed $10 million having been expended, there is no resolution. That case illustrates the desirability and the imperative fact that these issues ought be resolved by negotiation.

The Todmorden ILUA really highlights the need for the amendments proposed in this bill. Under section 47 of the Pastoral Land Management Act, any Aboriginal person can 'enter, travel across or stay on pastoral land for the purpose of following the traditional pursuits of Aboriginal people'. That section has been in our pastoral legislation for decades and a similar term has been included in most if not all South Australian pastoral leases. However, the Todmorden ILUA, entirely appropriately, gives rights of access to a particular group of Aboriginal person, namely, those who have some connection with the land, who are making a claim in respect of it, and who wish to ensure that their association with this land is preserved. It is envisaged that most pastoral ILUAs

would have a similar provision, namely, that notwithstanding the fact that section 47 of the Pastoral Land Management Act gives rights to any Aboriginal person irrespective of their connection with the land, the ILUA will limit those rights to people who are closely associated with the land.

The Todmorden ILUA, I understand, has provisions that the native title claimants will give the pastoralist prior notice of ceremonies that are to take place on the land. However, under the Pastoral Land Management Act, there is no requirement on Aboriginal persons to give any notice. They can come and go as they wish and, as I say, they do not necessarily have to have any connection at all with the land. Indeed, they can have none at all. The difficulty is that the Native Title Tribunal will not register an ILUA that is inconsistent with state law. Accordingly, we are advised that the Todmorden ILUA cannot be registered because it is inconsistent with section 47 of the Pastoral Land Management Act in the manner in which I have just suggested. I would envisage that other ILUAs would encounter the same difficulty.

I turn next to the principal changes made in this bill. Firstly, the noun 'Aborigine' which appears in the existing act will be changed to 'Aboriginal person'. It might be seen as a minor amendment, but the term 'Aborigine', once widely accepted, is now seen to be mildly derogatory and the better expression is 'Aboriginal person'. Political correctness can be taken too far in legislative drafting, but we certainly support this change: it is an improvement.

Secondly, this bill will require the minister and the Pastoral Board to have regard to ILUAs. Once again, that is a fairly modest proposal. The state government has to be a party to the term of any ILUA and by that process, obviously, the Crown will become aware of the provisions of any ILUA. It ought be noted that the only requirement is that the minister and the Pastoral Board have regard to the ILUA. There is no obligation to comply with it under this legislation—although, as I said, the government of South Australia will be a party to any ILUA and, presumably, that means that the minister and instrumentalities of the Crown will comply with it.

Thirdly, there is a proposal that ILUAs are binding on subsequent leaseholders. We believe that that is an appropriate provision. One of the benefits of an ILUA for a pastoralist is that the ILUA binds the current native title group and also its successors. If a lessee does not want to bind the lessee's own successors in title, the lessee should not enter into an ILUA. There is no way that a pastoralist can be forced to enter into an ILUA. If a pastoralist considers that an ILUA would be an impediment to selling the lease, presumably, the pastoralist will not enter into the ILUA or will restrict the operation of the ILUA to a short period. In this respect, an ILUA is like any sublease or sublicence. If any landlord wants to sell property with vacant possession, the landlord simply will not enter into a long-term lease. I also believe that what is sauce for the goose should be sauce for the gander. The pastoralist obtains a benefit in being able to bind subsequent native title claimants to the ILUA: by the same token, the native title group should have the benefit of binding the pastoralist and his successors.

The fourth change wrought by the legislation is to allow an ILUA to apply to contiguous (that is, adjoining) land which is occupied and fenced by the leaseholder but which occupation or fencing does not necessarily comply with the precise boundaries of the pastoral lease. This would appear to be a minor matter, but I ask the minister in his response to indicate whether his department is aware of any cases where this issue has become a live issue or where it is considered that it will have some significant effect upon the operations of any ILUA.

Fifthly, the bill will give to each party to an ILUA immunity from suit by third parties who suffer injury, loss or damage. The drafting of this clause is not entirely clear. That was certainly my experience when first reading the bill and it has been the experience of others, including lawyers who have read it. I have now convinced myself that the minister's explanation is probably appropriate, but I ask the minister to provide an explanation for the rather curious drafting of this provision and to place on the record the particular mischief that this provision seeks to overcome.

Sixthly, the bill will modify the section 47 access rights by allowing an ILUA to include access by persons other than Aboriginal persons and also to remove or qualify existing rights of access. I think that I covered most of these aspects in my earlier remarks, but I should say that the justification for including non-Aboriginal persons in the rights of access seems to us to be fair, namely, that the European spouse of an Aboriginal person, or European family member, may be invited by the native title group to accompany native title claimants on to the land. This is reasonable because, obviously, a pastoralist would not necessarily have to agree to that proposal, but one would imagine that, in most cases, the pastoralist would do so. But, if the pastoralist does not want to agree to such a provision, clearly, it would not be included in the ILUA.

The seventh amendment will allow an ILUA to restrict rights to travel across and camp on pastoral land. This provision will be effected by amending section 48 of the act. That section allows any non-Aboriginal person to travel across or camp on any public access route. It also allows non-Aboriginal persons to travel across pastoral land on foot and to camp on the land, provided they give the pastoralist written notice of their intention to do so. In addition, if the pastoralist grants consent a person can travel across pastoral land by means of a motor vehicle, horse, or camel. A pastoralist can refuse consent if he or she is of the opinion that it is necessary to do so for public safety reasons, for the management of stock or for any other good reason. If the pastoralist refuses, the minister can grant consent.

This bill will provide that the right to travel on foot and camp temporarily on pastoral lands may be limited in an ILUA for the purposes of: (a) restricting public access to places of cultural significance; (b) preventing injury, damage or loss arising from an activity undertaken under an ILUA; or (c) protecting some activity of the native title group. Neither the pastoralist nor the minister can consent to a proposal to travel or camp on pastoral land if that consent would be inconsistent with the terms of an ILUA. Once again, we see no objection to this proposal, because neither the pastoralist nor the native title group can be forced to agree to vary the access rights.

Eighthly, there is a proposal to ensure that there is a public register of ILUAs. We see this as important, and we will be pursuing an amendment to require the ILUA to be noted on the title and to be the subject of disclosure requirements under the Land Agents Act if those amendments have not already been effected. It is important that subsequent purchasers of a pastoral lease are made aware of the existence of an ILUA and also its terms. One way of ensuring that that occurs is to require a vendor of pastoral land to make that disclosure in connection with other disclosures which are required by law to be made.

Ninthly, the bill will contain provisions which give to interests associated with Aboriginal people a right to request trespassers to leave the land. Under the existing legislation Aboriginal persons have not had such a right. To date, the right to request trespassers to leave has resided solely with the pastoralist and/or the pastoralist's agents. The general law relating to trespassing appears in section 17A of the Summary Offences Act. That section provides that, where a person trespasses on premises and the nature of the trespass is such that it interferes with the enjoyment of the premises by the occupier, and a trespasser is asked by an authorised person to leave the premises but fails to do so forthwith, the trespasser is guilty of an offence, punishable by a fine of $2 500 or six months imprisonment.

This provision already applies to pastoral land, and the pastoralist is the authorised person for the purpose of requesting the trespasser to leave. Proposed section 45D will have the effect of extending the concept of 'authorised person' to a native title group. However, the group will be able to request the trespasser to leave only if the nature of the particular trespass interferes with the enjoyment of the land by the native title group. The justification for this proposal is that, for example, a native title group under an ILUA may have the right to conduct ceremonies, and they may wish to exclude, for example, an unwanted photographer from the scene. This section will enable them to request the trespasser to leave.

There is a possibility that this provision may apply to any pastoral land in respect of which there is a native title claim, in other words, not only to pastoral land in respect of which there is an ILUA. Accordingly I will be proposing an amendment to the definition of 'authorised person' to insert the words, 'who is a party to an ILUA in respect to the pastoral land or the premises' and seek the minister's comments on whether an amendment of that kind is in the government's view necessary but, if even not being necessary, whether the government will support such an amendment. As I indicated in my opening remarks, there will be a number of other amendments proposed as part of this measure. They follow largely the amendments proposed in another place by the Hon. Graham Gunn. They relate to the pastoral aspects particularly, and my colleague the shadow minister for agriculture, the Hon. Caroline Schaefer, who has the carriage of those matters in this place, will be attending to those amendments and will foreshadow those in her second reading contribution. I commend the bill.

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

[Sitting suspended from 12.30 to 2.15 p.m.]

MATHWIN, Mr J., DEATH

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): With the leave of the council, I move:

That the Legislative Council expresses its deep regret at the recent death of Mr John Mathwin, former member of the House of Assembly, and places on record its appreciation of his distinguished public service and that as a mark of respect to his memory the sitting of the council be suspended until the ringing of the bells.

John Mathwin served parliament for 15 years from 1970 to 1985, representing people in the seat of Glenelg. He was born in England in 1919 and was a master painter by trade. He served in Europe with the Royal Engineers (the 15th Scottish Division) and was a member of the Normandy Veterans' Association. John emigrated to Australia with his family in 1950. He ran his first election race in the then newly created seat of Bonython in 1955 against Norman Makin. He served 15 years on the Brighton council, including five years as mayor, before entering parliament.

John's first wife, Gladys, died during his term as mayor, and his 14 year-old daughter became acting lady mayoress. John remarried in 1972, but his second wife died only eight months later. In his maiden speech in 1970, John talked about the need to encourage tourism to the state, citing Glenelg as an excellent tourist destination and saying:

> . . . Glenelg, linked as it is to Adelaide by one of the best arterial roads in South Australia, calls for the utmost financial and practical support from the government. . . I believe that Glenelg has as much to offer as has any seaside town in the state. It is one of the places most likely to attract visitors from other states and overseas.

In an article in 1984, John described his commitment to politics saying:

> I don't have much of a life outside of it. But with the tremendous community involvement that goes with it, I don't need anything more.

His wish was to be known as a down to earth politician. After the seat of Glenelg was abolished in a redistribution, John eventually won preselection for the new seat of Bright after four tied ballots and an appeal. However, John lost the seat to Derek Robertson at the 1985 election.

John's commitment to public service continued after he left parliament. He returned to local government and served as deputy mayor of the City of Holdfast Bay from 1997 to 2000, retiring from council in 2003. John served on the committee of the Brighton Senior Citizens Club since its inception in 1972. He was the chairman of Brighton Meals On Wheels for 30 years. He was a dedicated board member and friend of Minda for more than 43 years. In their tribute to him they say, 'A gentleman who will be remembered not only for his outstanding community work and contribution but also his wit, warmth and kindness.' He was also a former president and patron of the Somerton Park Surf Life Saving Club. He was a long-term associate and supporter of the Brighton Lacrosse Club, as well as being a staunch Bays supporter.

In 2001 John received the Medal of the Order of Australia, the OAM, for services to the community, to local government, and to the South Australian parliament. John's life of service is best encapsulated in his own words. In 1983 John was quoted as saying that he saw the family as the basic unit of society and that he was concerned for the needs of people. 'It makes you worry about people who do not worry', he said. During much of the period that John Mathwin was in this parliament I either lived in the seat of Glenelg or worked for the federal member of parliament whose area covered the electorate. As a matter of fact, I was the campaign director for the Australian Labor Party in Glenelg when Barbara Wiese was the candidate back in 1977. Consequently, I encountered John Mathwin on many occasions and also often had the pleasure of speaking to him when he made the occasional visit to this parliament after his retirement. He was always polite and charming, and I enjoyed those conversations. On behalf of government members I convey our sincere condolences to John's partner Cecily, his five children and his grandchildren.

The Hon. R.I. LUCAS (Leader of the Opposition): On behalf of Liberal members I rise to support the motion. A number of us were privileged to be at the funeral yesterday and to join in the celebration of John's life as a number of speakers—primarily from his family, but also Brian Nadilo—commented on his contribution to South Australia at the community level and to the parliament, and also his love and commitment to his family. With these events and celebrations one learns a lot about someone one has known, as I have known John Mathwin, through political life. I learnt a lot about John Mathwin and his family, about what he experienced back in England and about the decision to come to Australia and South Australia and settle as a newly arrived migrant in, I think, 1951. My colleague Mr Lawson was there. I think a family member recounted the fact that his mother was one of 17 children from what the family described as 'the working poor of Liverpool'. They described the life that John Mathwin had experienced over his 80-plus years and contrasted it with his experiences as a child and young man back in England.

The family gave evidence of John's view that Australia was the lucky country; and he celebrated each and every day he experienced in Australia, in particular in South Australia, from his first days back 1951. We were charmed with stories of his service years. There were certainly some photographs of John—and my colleague the Hon. Mr Lawson will probably agree—looking rakish and almost Errol Flynn-like in his service uniform in his younger days. Again, as the Leader of the Government just recounted, when talking about his political career the family said that as a widower the most appropriate seat for John was Glenelg, which had the highest percentage of widows in South Australia. I am comfortable to put that on the record, because it was put on the record by a member of the family yesterday. John was known as a ladies' man, as he described himself—and as a widower he was quite entitled to be—and he evidently enjoyed representing the electorate of Glenelg for those 15 years or so.

The Leader of the Government has given a brief summary of John's contribution to the parliament. He also referred to his commitment to the community, in particular at a local government level, for a long period in the 1960s before going into parliament; and then extraordinarily serving on the council as Deputy Mayor until into his 80s and then on the council until 2003—so he would have been 83 or 84. He was extraordinarily committed. The family recounted that he was someone who did not like his age to be mentioned at all. He felt that he was still young at heart and prepared to provide an ongoing commitment, first to local government, then to state parliament, then again to local government when he was in his 70s and 80s. As Brian Nadilo summarised—and I will not go into everything that Brian Nadilo put on the record yesterday—he was a driving force in bringing together the two councils when they were amalgamated not so many years ago.

In respect of John Mathwin's being a Liberal Party member, I think I would be right in saying that no other Liberal Party member has lost preselection twice, then successfully used the appeal tribunal provisions of the Liberal Party eventually to win back preselection to continue his service for the Liberal Party. The first occasion was in 1976-77. A good friend of the Hon. Bob Sneath, the then Mr Legh Davis (subsequently the Hon. Legh Davis) successfully challenged John Mathwin for preselection in 1976-77 and actually won the preselection by a very narrow margin. At that time in the mid 1970s a group of younger members of the Liberal Party—such as Legh Davis, Robert Hill, John Olsen, Trevor Griffin, Dean Brown and others—was moving through the party organisation at senior levels, and they then contested preselection successfully for either the state or federal parliament. Soon after that John Mathwin appealed and, very successfully from his viewpoint, overturned the preselection. As a result of that we had the privilege of long years of service by the Hon. Mr Davis in the Legislative Council, where he served with distinction (as we have noted before). That was 1976-77.

In the 1980s as a result of redistribution there was a battle for preselection in the southern seat of Bright. On the first occasion Dick Glazbrook, the former member for Brighton, defeated Hugh Hudson at the 1979 election. There was a preselection battle and a tie and, in the traditions of the Liberal Party, one re-ballots three times, although the newspaper says four times (I am not sure why), and if there is still a tie the name is drawn out of a hat.

The Hon. R.K. Sneath interjecting:

The Hon. R.I. LUCAS: Again, in the unusual traditions of the Liberal Party the name that comes out of the hat loses. John Mathwin's name came out of the hat, so he lost and Dick Glazbrook won the first round of that preselection. John Mathwin then took it to appeal again and successfully won the appeal. It then went on another appeal with lawyers for Dick Glazbrook and others threatening to take the Liberal Party to court—something which the Labor Party has been more familiar with in recent times. There was then a third contest that was a plebiscite, ordered by the State Council, of 170 to 200 members in the electorate of Bright and John Mathwin won that and confirmed his position as the preselected candidate for Bright in 1985 although, as the leader indicated, he was subsequently unsuccessful in the election battle.

It indicates that his background from his days in England and early days in Australia prepared him for battle. He certainly did not take a loss easily. He was a survivor and he used every vehicle open to him within the constitution of the Liberal Party to ensure that he was able to continue as the elected representative of the Liberal Party in Glenelg or, as he subsequently sought, in the electorate of Bright.

My first three years in the parliament corresponded with John Mathwin's last three years—1982 to 1985—and he then established the then record in the House of Assembly for the longest speech on the record: some three hours and 10 minutes. In subsequent days it has been superseded by a couple of contributions by the member for Davenport which have been longer than that. At that time John Mathwin was a staunch opponent of the casino. He was intent on delaying the vote on the casino bill for as long as possible and went into the chamber armed with newspapers, *Hansard*, and anything else that would assist him in continuing to speak, and he did so until he ran out after three hours and 10 minutes. It was not successful in the end as the casino is there and has operated for all of us, with the exception of the Hon. Mr Xenophon, rather successfully since the early 1980s in South Australia. He was a staunch opponent and within the rules allowed him in the House of Assembly he sought every opportunity to put his views and to put them strongly.

In conclusion, the stories the family members recounted yesterday corresponded with the stories that many former and current members of parliament recounted at the funeral service yesterday. He was highly regarded by all who knew him. He had a wicked sense of humour and was good company. Most of the former members like Graham Gunn

and others in this place who knew him from that time were well represented at the celebration yesterday and can attest to that fact. On behalf of Liberal members of the parliament and of the party organisation, I place on record our appreciation as a party for John's long years of loyal service to the Liberal Party and our acknowledgment of his wonderful community service both at the local level, as outlined in greater detail by the leader of the government, and also at local government and state parliamentary level. Our condolences go to his partner and surviving members of his family.

The Hon. IAN GILFILLAN: The Democrats support the motion, and this debate has been a very clear testimony to Mr Mathwin's generosity of spirit and contribution to community interests over many years, a wonderful revelation of his fighting spirit and determination where a lot of people would be licking their wounds in corners and exhibiting some degree of resentment and acrimony, but John Mathwin showed the reverse. That was a great credit to him and South Australia was the richer because he succeeded in holding political office both in this place and in local government for so long.

One of my colleagues who worked with him in the Glenelg and then Holdfast Bay council in latter years frequently used to extol John's free-thinking capacity and his energy in fighting causes that he believed in. He was no ready-made print of the conservative Liberal image that some people expected of someone of his years and experience. He was a free thinker and that was exemplified by his joining the Liberal Movement in its early days, showing that he was and remained right through his life a man who made up his own mind and spoke it clearly. During the time I shared in this place with him, I found him a delightful companion and one who was very rich in giving to those who made contact with him. My personal memory is one of affection for the John Mathwin I met in this place. With those words, the Democrats send condolences to his family, acknowledging the great contribution he made. We support the motion.

The Hon. R.D. LAWSON: I rise briefly to support the motion of condolence to the late John Mathwin. As the leader has indicated, I was present with a very large number of people yesterday at the funeral celebration for the life of John Mathwin. It was a great occasion when two of his children, whom I know, Steve Mathwin, a former magistrate and practising lawyer, and Jeanette Mathwin-Raymond, a principal of an Education Department facility, spoke glowingly of their father.

I had most to do with John Mathwin when I was minister for disability services and had quite some association with Minda Incorporated and also visited the Brighton-Glenelg area on a number of occasions when attending various community functions in that connection. John Mathwin was always there. He was a very friendly and positive person. He was a handsome sort of guy with, even at that age, a glint in his eye and a smile on his face. If he had one lapse of judgment, I would have to say that it was sharing the same tailor as Al Grassby. That colourful dressing apart, he was not only a charming man but also quite an effective citizen, the sort of person who always had something that he wanted you to do. It was something that was not outrageously impracticable, it was something that he had thought through, it was achievable, and he was the sort of person you always want to assist. It was quite correct of Minda to record him as a man of wit, warmth and kindness.

He led a very interesting and productive life. Born, as the Hon. Robert Lucas indicated, in circumstances which were not materially advantaged in the United Kingdom, he served in the Royal Engineers at D-Day and at the crossing of the Rhine. He came to Australia in 1950 or 1951. He was a very proud Australian—he said Australian by choice—and a very proud South Australian. He was a dedicated family man and a parliamentarian who led an amazing life, and I certainly extend my condolences to his friends and family.

The Hon. A.J. REDFORD: I support the motion. I first met John when he became a councillor with Brighton council after he left politics. John was an old-fashioned politician. He understood the importance of community service: he lived it himself and he supported others who were involved in community service. I well remember serving on committees at Brighton council where he encouraged younger people to become more involved in community service and local politics. He certainly had a great influence on me and on many others with whom he came into contact. Interestingly, he lived the concept of community service to the point that, in his 60s, after he retired from parliament, he sought to serve on Brighton council and subsequently Holdfast council, and he served those two institutions very well.

John was compassionate and he was a fighter for his community and for what he believed in. The Hon. Rob Lucas referred to the fact that he believed in matters to a point where he could give three-hour speeches on things such as the casino. Indeed, there were occasions when he became so passionate in another place that he was named and kicked out of parliament for a day or two in defending his good name. It is also interesting to see that in his maiden speech some 32 years ago there was a focus on child care and its importance to our community. He also recounted a story about a hairdresser overcharging one of his elderly constituents. He lived his politics at an individual level, looking after little people.

John also had (and I do not think he would appreciate this comment) almost a bit of Irish logic in him. In one profile on him he was asked a question as to whether or not he should be worried about being labelled as a conservative and he answered:

> The conservative label is never an embarrassment to me. There is nothing wrong in conserving things. Fear of the tag is quite wrong.

I commented to the Hon. John Dawkins that perhaps he might be described as the founder of the green movement within the conservative side of politics. John also lived in a time where, because of changing seats, unfortunately, there had to be a fight out for the safer of the seats between he and Dick Glazbrook. Dick is also a friend of mine, and I know him very well. The Hon. Rob Lucas explained what happened in relation to that preselection battle. The interesting thing is the way in which the two men conducted this poll and the process it underwent. Whilst there might have been some rancour between the two, if one reads the media articles of the time one will see that they conveyed themselves to the public with a degree of dignity that perhaps we do not see so much nowadays. Indeed, after he lost the long saga, Dick Glazbrook said in the paper that he was pleased with his performance as only another five votes could have swung the vote his way. He said:

> It's all peaceful here now. Democracy had its way. That's great. There were no shady tactics. It's all been out in the open. I just didn't have the numbers, but another time, another place.

I have no doubt that, if the boot had been on the other foot, John Mathwin would have accepted the loss with the same degree of grace. I have also known his son Stephen for a much longer time. Steve is a person of whom John was very proud and I know Stephen has served this state as a magistrate for a number of years and is a highly regarded legal practitioner. I know that they enjoyed a good father/son relationship. So, I express my condolences to Mr Mathwin's family and thoroughly endorse this motion.

Motion carried by members standing in their places in silence.

LEGISLATIVE REVIEW COMMITTEE

The Hon. J. GAZZOLA: I bring up the 24th report of the committee.

Report received.

STATUTORY AUTHORITIES REVIEW COMMITTEE

The Hon. R.K. SNEATH: I bring up the report of the committee on the inquiry into HomeStart Finance.

Report received and ordered to be printed.

TEISA PROGRAM

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I seek leave to make a ministerial statement about estimates 2004.

Leave granted.

The Hon. P. HOLLOWAY: In answer to a question from the member for MacKillop during Estimates Committee B on Friday 18 June 2004, I advised that the Targeted Exploration Initiative South Australia 2020 (TEISA) program had gone up by $0.2 million from last year to a total of $1.8 million in 2004-05. I can advise the council that funding has increased by $0.2 million, but I have subsequently been advised that the figure for 2004-05 is $1.5 million, with the amount increasing to $1.7 million in 2005-06 and $1.9 million in 2006-07.

MANUFACTURING INDUSTRY

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I seek leave to make a ministerial statement about manufacturing strategy.

Leave granted.

The Hon. P. HOLLOWAY: There can be no doubt about the contribution manufacturing has made in the path to the development of our state, and there can be no equivocation about the fact that manufacturing is central to South Australia's future prosperity. For a period it was fashionable to talk of a post-industrial economy in which services had replaced manufacturing. Nothing could be further from the truth, as I shall explain later.

The State Strategic Plan committed the government to work with business, educational institutions, employees and their unions, the regions and the whole community for the trebling of our exports to $25 billion by 2013. Manufacturing is absolutely central to that goal. Manufacturing presently contributes nearly 70 per cent of our state's merchandise exports. Manufacturing is the largest segment of world trade, and it makes eminent good sense to say that a target of trebling our exports requires a strong focus on manufacturing. Manufacturing contributes nearly 14.5 per cent of gross state product and about 14 per cent of employment, but there are other reasons to regard manufacturing as strategic for the future prosperity of South Australians. To understand this it is vital to overcome the prejudice that manufacturing is just about smokestacks and a few 'old' industries.

Today's manufacturing is a skill and knowledge intensive sector. It is a major area of technical innovation in the economy and, for that very reason, is a vital driver of productivity improvement across the entire economy. It is no accident that business research and development, of which manufacturing is the major proportion, represents nearly 50 per cent of total R&D in Australia. Manufacturing is one of the largest users of high technology in the economy. Because of its strong linkages across the economy, both upstream and downstream, manufacturing is central to our future. That is, our ability to add value to our primary industries such as agriculture and minerals industries depends in part on how competitive our manufacturing sector is.

Equally, because of changes in manufacturing over the last decade or so that have seen it become more integrated with knowledge intensive service industries, we need a strong, modern and competitive manufacturing sector to be able to attract more of the high skill service sector activities to South Australia. Modern manufacturing industries includes a focus on design, new intellectual property and the application of new technologies, skills and knowledge to both the product and the production process. Manufacturing creates new products and markets which lead to higher growth, often with higher skill, and full-time jobs resulting. Because international competitiveness is a moving target, continual innovation is central. The rise in manufacturing economies, such as China, poses problems for South Australia and requires a South Australian response that is vastly different from a decade ago.

It requires us to respond quickly and to embrace ongoing change and adaptation in areas such as design, production processes, products and management systems. The government first convened the Manufacturing Consultative Council in 2002 following the establishment of the Department of Trade and Economic Development. The Manufacturing Consultative Council, which represents key stakeholders in the manufacturing sector, will have direct involvement in the design and content of agency programs to support manufacturing. The council will help to ensure that programs remain relevant to real industry needs rather than being the indulgence of a few highly paid government executives as in the past.

A strategy for manufacturing is about how to make the most of opportunities, of which there are many, and how to tackle the challenges—and there are many challenges. Adverse movements in the exchange rate, together with recent slow growth in the world and United States economies, together with the instability in the Middle East particularly, have had a negative impact on our manufactured exports. A particular challenge for the longer term will be the rise of severe competition that may come from the Peoples' Republic of China. We have to accept that many of these are things that are largely beyond our capacity to control.

Nevertheless, we need to respond to these pressures as best we can and with as good a plan as we can. The Manufacturing Consultative Council has highlighted the challenge faced by large sections of South Australian manufacturing to remain competitive in the face of impending challenges, such as the rapid industrialisation of China. Closer to home, industry faces other challenges, such as training, how better to link the work of our universities to industry needs, access

to capital for expansion, access to affordable infrastructure and what to do about the increased power prices left to them by the previous government's privatisation of ETSA. The manufacturing strategy to be developed in consultation with the Manufacturing Consultative Council (and expected early next year) would involve detailed consultation with manufacturers, large and small, from all areas of the state. The strategy will set out a path of manufacturing in which we must all play our part in support of South Australia's future as a confident, prosperous and outward looking community.

MEMBER'S REMARKS

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I lay on the table a ministerial statement on South Australia Police made earlier today in another place by my colleague the Deputy Premier.

ASBESTOS

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I lay on the table a copy of a ministerial statement on asbestos liability made earlier today in another place by my colleague the Hon. Michael Wright.

QUESTION TIME

GOVERNMENT ACCOUNTABILITY

The Hon. R.I. LUCAS (Leader of the Opposition): I seek leave to make an explanation before asking the Leader of the Government a question about government openness and accountability.

Leave granted.

The Hon. R.I. LUCAS: As members would be aware, the Legislative Council keeps a weekly supplement to the *Notice Paper* which lists the questions on notice that remain unanswered. Some of these questions were first asked (they have to be asked again when each new session starts) back in 2002. There are many other questions through 2003 and the early part of 2004 which remain unanswered on the *Notice Paper.* In particular, I draw the minister's attention to questions that I have been directing to him, as a minister in the government, in relation to the names of officers working in his office and also a series of other questions in relation to whether a departmental budget was being used to assist the expenditure of particular officers in his ministerial office, what the salaries and remuneration arrangements for officers in his office were, and what expenditure, if any, he had made on office renovations and the purchase of new items of furniture since March 2002. There is also a series of questions to this minister in relation to costs of overseas travel since 2002. I will not go through the many pages of the weekly supplement to list all the examples of questions that other ministers are not answering; I am directing my questions directly to the Leader of the Government in relation to the questions that he has continued to refuse to answer. My questions to the minister are:

1. Why has he continued to refuse to answer those questions I have just referred to in relation to his own office, his own travel and his own expenditure in relation to the purchase of new items of equipment or office renovations?

2. What is this minister trying to hide in refusing to release that information after almost two years of waiting?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): This government has taken questions on notice and answered them that go back a considerable period—a practice which was never that of the former government, and I make that clear right from the start. In fact, we tabled some fairly recently, but, in relation to the sorts of questions to which the leader has just referred, many of those were asked of all ministers across the government. It is necessary, in order for those answers to make sense, that they be coordinated across government. As we know, departments such as Primary Industries and Resources SA are responsible to maybe two or three ministers. Those answers have to be coordinated by departments. As far as expenditure on the office is concerned, I know these matters have been the subject of freedom of information. I can recall some time back a photograph of a new office table—which is one of the few new purchases in my office—appeared in *The Advertiser* or *The Sunday Mail*—I cannot remember which.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Was it *The Sunday Mail*? It is just ridiculous to suggest that this sort of information has not been made public. In relation to that office equipment, it has been made public through those sources. That information is out there. However, I will look to see whether there are any outstanding questions. What I can say is that, from the data we have collected, this government has been far more diligent in answering questions than past governments. Far more questions have been asked in this parliament and even more questions answered under this government.

The Hon. R.I. LUCAS: I have a supplementary question. Given that the questions to which I have referred relate to the minister's own office, will he explain what the issue is in relation to other departments and agencies when the question is asked specifically in relation to his own ministerial office, the staff that are involved and the expenditure in his own ministerial office—not the department?

The Hon. P. HOLLOWAY: The information in relation to the staff in my office is freely available. Well, I would not say that it is freely available but it is certainly circulated to members of parliament. There is no particular mystery about it. This information has been provided in relation to—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: In fact, I recall significant information being provided through the estimates committees to other members. The information is there—it is on the public record. I suspect that that information is on the record. It probably does not need to be answered. The Leader of the Opposition is trying to make mischief out of this matter. I will look to see whether there are questions—

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, a lot of that information was provided. I remember a question by Ms Isobel Redmond in another place, and also the Hon. Angus Redford has asked a series of questions that had information tabled on this and other similar matters in the past. I suspect in relation to this information that at most it would require a 'refer to another answer', but all that sort of information has been well and truly on the public record.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: Well, what is not on the record? What information is not on the public record?

The Hon. R.I. Lucas: How much have you spent on office equipment and renovations in your office?

The Hon. P. HOLLOWAY: Certainly, a lot of that has been in *The Sunday Mail*.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order!

The Hon. P. HOLLOWAY: I will find out what information has been provided.

The Hon. R.I. Lucas interjecting:

The PRESIDENT: Order! The honourable member has asked his question.

The Hon. P. HOLLOWAY: I will see what information has been placed on the public record.

An honourable member interjecting:

The Hon. P. HOLLOWAY: Yes—which is probably a lot quicker than we got answers from the previous government. In that case, we are still waiting for answers to questions we asked back in 1997.

The Hon. A.J. REDFORD: I have a supplementary question. Has the minister received any draft answers from anyone in his department or his office to be signed off in respect of the unanswered questions on notice?

The Hon. P. HOLLOWAY: Some of them were sent off within a week or two to be coordinated. I am not sure why they have not appeared and what has happened within the process of going through them. In relation to my office, there is no reason whatsoever why that information should not be made available.

The Hon. A.J. REDFORD: By way of further supplementary, to whom were the draft answers sent?

The Hon. P. HOLLOWAY: A process is gone through where it is circulated to the cabinet office. They all go through the cabinet process. Exactly who was coordinating them, I will have to check.

The Hon. A.J. REDFORD: By way of further supplementary, which minister has the responsibility for collating all these answers?

The Hon. P. HOLLOWAY: Where there are joint questions they are part of the cabinet process and go through the cabinet office. Who coordinates them, I am not sure. I just do my bit and make sure the answers go on, but I will obtain some information for the honourable member.

ANANGU PITJANTJATJARA EXECUTIVE BOARD

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

Leave granted.

The Hon. R.D. LAWSON: Last year, before the executive board of AP was coming up for re-election, Mr John Buckskin was appointed general manager of AP. Mr Buckskin is an indigenous person and a very experienced administrator. The government has acknowledged that since December 2003 there have been serious doubts about the authority of the APY executive to continue in office, given the fact that, contrary to the terms of the legislation, they did not seek re-election at the annual general meeting in December 2003. The opposition has been informed that on 16 June the purported AP executive and its purported chairman, Mr Gary Lewis, dismissed Mr John Buckskin from his position as general manager. Mr Buckskin was in fact appointed for three years and still has two years of his contract to run.

Mr Buckskin states that the executive meeting at which it was resolved to dismiss him took place over three hours and Mr Buckskin says that the person claiming to be the chairperson, Mr Gary Lewis, bullied the executive into supporting the sacking. The government has stated that it has accepted the recommendation of the Hon. Bob Collins that there be an immediate election for the AP executive, and legislation has passed through this place to facilitate that. The minister has given assurances that the election will take place at the earliest opportunity. My questions to the minister are:

1. What steps will he take to ensure that Mr Buckskin is reinstated so that he can continue in office until a new executive board is duly elected, which will have the opportunity to either confirm his appointment or take such steps as may be advised?

2. Does the minister agree that it is undesirable for the executive board to be making decisions of this kind at a time when a serious cloud hangs over the head of its legitimacy?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for his question. It is true that Mr John Buckskin is an experienced and knowledgeable administrator and has worked in the difficult area of remote and regional administration of communities, which is a difficult job and takes a lot of dedication, particularly in remote regions, to stay in those places and work with the communities to bring about the results they deserve. John Buckskin has worked in a number of communities and has produced good results for and on behalf of other organisations.

I received word, as did the honourable member, in relation to his dismissal. It is not a matter for this government to interfere in the day-to-day operations of organisations such as the AP executive. The dismissal can be taken up by the person concerned through various avenues in relation to his rights. I am not sure whether he is taking advantage of the industrial laws that allow for his matter to be looked at but there are ways in which he can seek redress. It is my view that it is not the position of government to determine who can and what cannot work for organisations such as the APY executive.

We are in the process of putting together a bill to bring about changes to the status of the APY executive. As the honourable member knows, an election will be held at the earliest possible convenience and my understanding is that the opposition is facilitating the introduction of a bill in another place to bring about a circumstance where an election can take place under the auspices of the Electoral Commission. We are trying to normalise the situation in the lands in relation to the legal recognition of a duly elected body. We would hope that there is broad cooperation within the community around not only the election but what happens subsequent to that. If Mr Buckskin wants to take action in relation to his own dismissal, that is something for him to consider, but we will not be intervening on his behalf.

The PRESIDENT: Before I take the next question, I point out to honourable members the requirement under standing order 181. The Hon. Mr Lawson has a quiet presentation when he makes his explanations and puts his questions. We all have a responsibility not to converse aloud when a member is debating or conducting any orderly business in the chamber. It is extremely hard to hear the honourable member when a group of members on the same side of the council are conversing quite loudly. If members pay attention to that it will make it easier for the minister, and

I will know what the Hon. Mr Lawson is saying. That would be most helpful.

DROUGHT RELIEF

The Hon. CAROLINE SCHAEFER: I seek leave to make a brief explanation before asking the minister representing the Minister for Agriculture, Food and Fisheries a question on drought funding.

Leave granted.

The Hon. CAROLINE SCHAEFER: As a result of questioning by the Hon. Graham Gunn in estimates yesterday, departmental officers stated that state drought funding moneys had either all been expended or allocated and that further applications had been sent for exceptional circumstances funding for the central north-east of the state and some new areas, including properties north of Marree, immediately west of Lake Torrens and in the Gawler Ranges. Some 35 properties were included in this additional area. It was further stated that discussions at officer level took place the day before yesterday and 'things are looking pretty hopeful in that area'. That was the actual statement. Further to that, the minister said:

> Sometimes when a community and a family has only one business the impact of a cash drought (which is, at the end of the day, the only sort of drought you have) is more widely felt.

It is well known that the effects of drought continue long after the first rains fall, particularly in pastoral areas that have been destocked over a long period of time.

Yesterday I received complaints from constituents in that area who said that after they had put in an application they were asked for further details. It took them three days to dig back through their personal and business files, going back over a period of 10 years, and they have received no response. As a result of a telephone call they were told that their application had been flicked through, and the departmental officer involved has now cancelled two meetings in a row to converse with these people. These people said that they are three years behind in their breeding program, having had to sell much of their stock, and their drought-related expenses are now in excess of $250 000. They believe that the department is not interested and that, now that the first rain has fallen, there is an attitude that the drought is over. But, certainly, as I have just stated, the effects of the drought are far from over. My questions to the minister are:

1. Are any other state moneys available for immediate relief for these people?

2. What is being done to assist people in the regions who are still applying for exceptional circumstances drought funding?

3. Why are they not being updated on what proceedings are taking place with regard to their applications, and how soon will they be contacted by the department in answer to their telephone calls?

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

BUSINESS HELPLINE

The Hon. CARMEL ZOLLO: I seek leave to make a brief explanation before asking the Minister for Small Business a question about the Business Helpline.

Leave granted.

The Hon. CARMEL ZOLLO: I am aware that the Business Help Line provides a counselling and advisory service to the South Australian small business owners and operators who are in crisis. The aim of the help line is to reduce emotional and financial stress and the number and cost of business failures. Can the minister advise how the government is supporting this very necessary Business Helpline service?

The Hon. P. HOLLOWAY (Minister for Small Business): I am pleased to advise the council that the government has just approved the continued operation of the Business Helpline in UnitingCare Wesley Adelaide Inc. for a further three-year period to 2006-07 with a grant of $110 000 for the year 2004-05. The service also has non-financial involvement and support from the Institute of Chartered Accountants, the Australian Society of Certified Practising Accountants and the South Australian Law Society. From January to December 2003, the help line received 450 inward calls from business owners and operators in crisis situations, and there were 294 referrals to the supporting network of accountants and lawyers.

The decision to approve continued operation of the Business Helpline follows a review of the program and its endorsement by the Small Business Development Council. Members of the council believe that the service is making a positive impact on the business community and is well situated in UnitingCare Wesley Adelaide Inc., as clients can be referred to other support services offered at this location, including the gambling help line, Lifeline and so on. The council strongly endorses the continued operation of the Business Helpline with funding support from the government. I am pleased to say that we are providing that funding over three years.

The Hon. CAROLINE SCHAEFER: Sir, I have a supplementary question. Is the help line all that remains as advice to small business as a result of the cancellation of the position of Small Business Advocate?

The Hon. P. HOLLOWAY: The honourable member seeks to misrepresent the position. I again repeat that the Director of the Office of Small Business is the new Small Business Advocate. That office will have five staff members, which is three more than was previously the case in the Office of the Small Business Advocate. So, this government has significantly upgraded those support services. I suggest that the honourable member read the estimates where more information was given in relation to the government's support for small business.

GENETICALLY MODIFIED FOOD

The Hon. IAN GILFILLAN: I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Agriculture, Food and Fisheries, a question relating to genetically modified canola.

Leave granted.

The Hon. IAN GILFILLAN: On 29 April this year, the minister placed in the *Gazette* an exemption notice under the Genetically Modified Crops Management Act 2004. This exemption notice allowed Bayer CropScience to release its genetically modified canola for the purposes of breeding and seed multiplication. Much has happened since those questions were asked. On 4 May I asked whether Monsanto had decided not to proceed with its release of genetically

modified canola in Australia. More recently, Bayer CropScience has decided not to commercially release its genetically modified canola in Australia. However, Agrifood Awareness Australia has stated:

> Bayer will continue research trials of GM canola in Victoria and South Australia. . . this season.

It is interesting that it described them as research trials, whereas in the legislation the exemption is as follows:

> . . . cultivate a genetically modified food crop on a limited and contained basis at a specified place or places.

We know that those limited plantings are up to 10 hectares, which is over 20 acres in the old language. Genetically modified canola is now in the ground in a number of limited—up to 10 hectares—plantings in South Australia. Farmers are understandably concerned about contamination and desperately want to know whether their crops are at risk of contamination.

The farmers who I have spoken to can see no justification for secrecy in the matter of where these GM limited plantings exist. I must emphasise that they are already in the ground. This is not hypothesising about what could happen or may happen. These plantings are in the ground now. Will the minister publicly release the planting schedule that he received from Bayer CropScience and, if not, why not? Does the minister agree that were he in my shoes he would seek the information by FOI if necessary to keep faith with farmers in South Australia?

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

INDUSTRIAL RELATIONS

The Hon. T.G. CAMERON: I seek leave to make a brief explanation before asking the minister for Industry, Trade and Regional Development questions regarding South Australia's state industrial laws.

Leave granted.

The Hon. T.G. CAMERON: The Youth Affairs Council and the United Trades and Labor Council have both recently called for an overhaul of the state's industrial laws to protect young workers. The call follows the shocking death a few weeks ago of a young apprentice tool maker after he was dragged into industrial machinery at an Edwardstown factory. The young man who was nearing the end of his first year as an apprentice tool maker and was working overtime when an accident resulted in the loss of both his feet. He also suffered other serious injuries resulting in loss of life. Workplace Services is currently investigating the accident.

Government figures for 2002-03 show that 13 people were killed in workplace accidents in South Australia. To its credit, the state government recently increased the number of occupational health and safety inspectors employed at Workplace Services by 30—an increase of 50 per cent. It would be a very interesting list to read who was appointed, because I might run across a few old familiar names. I know of other recent cases of young workers being seriously injured due to unsafe work practices but were too afraid to say anything at the time due to their inexperience and lack of training. My questions therefore are:

1. How many young people under the age of 25 were injured or killed for the years 2002-03, and what was the estimated cost to WorkCover as a result?

2. For the same period, how many employers were fined for breaching occupational, health and safety laws?

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

CORRECTIONAL SERVICES, STAFF

The Hon. A.J. REDFORD: Is the Minister for Aboriginal Affairs aware that the minutes of the Correctional Services Advisory Council of 14 January 2003 show that the former CEO of the department reported that 'The department is faced with several sensitive issues that will likely involve disciplinary action against several staff.'? What were the sensitive issues and what disciplinary action has been taken?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): What was the date?

The Hon. A.J. REDFORD: It was 14 January 2003.

The Hon. T.G. ROBERTS: I certainly do not have the information the honourable member requires. I do not have the particular report in front of me. I will undertake to investigate the issues raised at that important meeting and bring back a reply.

The Hon. A.J. REDFORD: As a supplementary question, given that the minister was asked this question last Tuesday in estimates, why has it taken so long for him to get abreast of this issue?

The Hon. T.G. ROBERTS: During estimates a lot of questions are asked, and many of them are answered.

The Hon. A.J. REDFORD: As a point of order, I warn the minister against misleading parliament.

The PRESIDENT: Order! That is not a point of order. Sit down.

The Hon. T.G. ROBERTS: Many questions are answered in budget estimates. However, many are left unanswered, and we try to ensure we reply to members as quickly as we can. I will ensure that, with respect to this issue, we get back to the honourable member as quickly as we can.

The Hon. A.J. REDFORD: As a supplementary question, is the minister currently aware of any disciplinary action taken against any correctional services officers at this time?

The Hon. T.G. ROBERTS: Sensitivities are associated with any actions taken against any correctional services officers and, if it tends to identify them, that can be embarrassing. I am aware that some matters are being investigated—

The Hon. A.J. Redford: That was not my question. Are you aware of any disciplinary action taken against any officer—

The PRESIDENT: Order! The minister is quite capable of answering the question in his own style, and he is entitled to do so.

The Hon. T.G. ROBERTS: In answer to the honourable member's question, I would say, yes; but I do not know whether they are the same investigations as referred to in the honourable member's question, but I will try to match them.

The Hon. A.J. REDFORD: As a supplementary question, to the minister's knowledge, how many disciplinary actions have been taken against officers within his department?

The Hon. T.G. ROBERTS: I will seek that information and bring back a reply.

The Hon. A.J. REDFORD: As a supplementary question, is the minister aware whether there are large or small numbers?

The Hon. T.G. ROBERTS: In relative terms, the numbers of officers who are in the system and who have faced investigations and/or disciplinary action is relatively small.

TAXATION, PAYROLL

The Hon. J.F. STEFANI: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development, representing the Treasurer, a question about payroll tax collection.

Leave granted.

The Hon. J.F. STEFANI: I am aware that many sporting organisations engage players and officials on a contract basis and pay substantial weekly earnings, including match bonuses, fringe benefits and other incentives to players, coaches and officials. Under the provisions of the Payroll Tax Act 1971 as amended, organisations are required to register for payroll tax purposes if the total remuneration (including wages, salaries, superannuation, bonuses and other fringe benefits) exceeds the total amount of $504 000 per year, which is the current amount exempt from payroll tax. My questions are:

1. Will the Treasurer advise whether Revenue SA has undertaken any compliance measures to ensure that the appropriate payment of payroll tax is collected from sporting organisations, which are required to pay payroll tax in accordance with the provisions of the act?

2. Will the Treasurer advise the parliament the total payroll tax amount collected from sporting organisations for the year to 30 June 2003 and, separately, the amount collected for the year ending 30 June 2004?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I thank the honourable member for his question. I will refer it to the Treasurer and bring back a reply.

ABORIGINAL RECONCILIATION

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

Leave granted.

The Hon. J. GAZZOLA: I have heard the minister speak on the importance of reconciliation on previous occasions and I am aware of his personal commitment, and this government's commitment, to the reconciliation process. Will the minister provide details of the government's achievements and commitment in this area over the past year and what is hoped to be achieved in the coming year?

The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation): I thank the honourable member for this important question, and for his current and ongoing interest in matters related to Aboriginal affairs and reconciliation. A number of things are happening in government circles with regard to reconciliation, including the further grant of $120 000 for the 2003-04 year for the organising of activities in relation to reconciliation. The Aboriginal Reconciliation Committee made its annual report to me earlier this year. Since convening the highly successful 'Making It Happen' state government reconciliation conference in May 2003, it has set to work on a program focussing on six specific outcome areas, and it has done it under difficult circumstances. The commonwealth withdrew funds at a very early stage in relation to Reconciliation SA and it has done a lot of work with a very tight, small budget.

One of the outcomes has been that government agencies are now increasing their knowledge about the act in accordance with protocols for engaging with Aboriginal communities. The number of Aboriginal people employed in the public service is increasing, systematic racial discrimination is diminishing within government and government services, the Public Service is a culturally supportive environment for Aboriginal people, and those aims have to be continued. Aboriginal communities' capacity for self-governance has been increased, and the state Reconciliation Council is supportive in increasing wider community engagement with reconciliation.

The Department of Human Services is increasing its activity levels. The Department of Education and Children's Services has developed a protocol document regarding Aboriginal languages curriculum and is spreading that throughout the education system. There are a number of people at tertiary level who are asking to learn Aboriginal languages as a second language. Hopefully that will go a long way towards promoting reconciliation within this state. The Office of the Commissioner for Public Employment is increasing the number of Aboriginal employees through its indigenous employment strategy, which was launched in May 2003.

So, we are leading by example. A number of good things are happening out there on the ground, and there are certainly a lot of good people working with very small budgets—in a lot of cases, community-based organisations working with just volunteers—to try to promote the cause of reconciliation throughout their communities and back into the broader community. There is an obligation for us to harness the goodwill that is out there to bring about a lot of the programs that we are trying to put together in metropolitan, regional and remote areas to promote the ideals of reconciliation.

ANANGU PITJANTJATJARA LANDS

The Hon. KATE REYNOLDS: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development a question about the AP lands development package.

Leave granted.

The Hon. KATE REYNOLDS: On 3 April this year the Premier and the minister issued a joint media release announcing that the government intended to do as follows:

> Spend $15 million over five years to treble investment in mining exploration by 2007 and boost annual minerals production to $3 billion by 2020.

As part of the package the government indicated that it would spend $900 000 over five years on an AP lands development package to do the following:

> Provide a second tenement officer, provide legal assistance to the AP to reach agreements with companies, assist with the mapping of cultural and heritage areas within the lands, assist in developing a sustainable resource development policy as well as developing and running a cultural awareness training program for employees of mining and exploration companies.

At the same time, PIRSA launched an information brochure entitled, 'Unlocking South Australia's mineral and energy potential: a plan for accelerating exploration.' The brochure states:

> Underpinning all mining operations on the APY lands is the requirement for consultation and negotiation with Anangu and the provisions of the Pitjantjatjara Land Rights Act 1981.

Mr President, as you and the minister would know, this act requires such consultation and negotiation to be with Anangu Pitjantjatjara, the body corporate established under the act with the following four functions:

> to ascertain the wishes and opinions of traditional owners in relation to the management, use and control of the lands, and to seek, where practicable, to give effect to those wishes and opinions;
>
> to protect the interests of traditional owners in relation to the management, use and control of the lands;
>
> to negotiate with persons desiring to use, occupy or gain access to any part of the lands;
>
> to administer land vested in Anangu Pitjantjatjara.

My questions are:

1. Given the recent controversy about the legal status of the AP executive, does PIRSA currently have an effective working relationship with Anangu Pitjantjatjara, the body corporate established under the land rights act; and does it have an effective working relationship with its executive board?

2. What portion of the AP lands development package has been or will be provided as funding directly to Anangu Pitjantjatjara?

3. Has any portion of this $900 000 been, or will any portion be, provided to any other Anangu organisations operating on the APY lands?

4. If this is to be the case, is the minister confident that this action is in keeping with the requirements of the land rights act that AP be the body to 'negotiate with persons desiring to use, occupy or gain access to any part of the lands'?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): The current legal status of APY executive is a matter that has been debated before within this parliament at some length. We also have legislation that is probably still before the other house in relation to those matters. All I can say is that this government is keen to work with those people in the APY, such as they are at the moment, or whoever will be the new executive, assuming that legislation is passed by the parliament and elections are held. Whether the current executive or any other is elected, the department will work with whoever has the appropriate legal authority. Certainly, the situation in the Pitjantjatjara lands at present does not assist in further developing these issues, but those matters, hopefully, will be resolved by the parliament and the people of the Pitjantjatjara lands in the very near future. I do not want to say too much more in relation to legal matters on which I am not qualified to respond.

Again, I make the point that my department is keen to work with the people of the Pitjantjatjara lands should they wish to see development on their lands. I think every indication is that they do. In answer to a question asked earlier this year I indicated how the APY executive had put on an Inma for officers of the department. I believe there are very good relations with the department. Certainly, there is strong support for the law and culture committee, which is absolutely essential if there is to be any development in that region. In relation to the funding questions I know there has been support under tiers 1 and 2. There has been support for the area in what is proposed in the packages over and above those other programs. I am sure my colleague the Minister for Aboriginal Affairs and Reconciliation could provide more information in relation to other broad support for what is going on in the APY lands. In relation to mining, as that brochure indicates, we will work with whoever has the legal authority in the lands.

The Hon. KATE REYNOLDS: By way of supplementary question, is the minister saying that he will not declare whether any portion of that $900 000 will be provided to any other organisations operating on the APY lands?

The Hon. P. HOLLOWAY: Given that that money is provided in the financial year beginning next week, the question to that extent is hypothetical. We talked about the establishment of a law and culture committee, which I assume would be a subcommittee under the APY executive. I will take the question on notice and examine it. I had better take some care in the answer as I am not sure of the legal structure of the bodies up there, but I understand that the group we want to help is with law and culture, which is a subcommittee of the APY executive, and they would be the principal recipients of funds. I will take the question on notice to see whether there are any complications.

The Hon. KATE REYNOLDS: By way of further supplementary, given that the Tjukurpa Anangu Pitjantjatjara Yankunytjatjara (TAPY) Law and Culture Aboriginal Corporation is not a subcommittee of the AP executive but is in fact a separate legal entity, what is the basis of the decision to provide funds to that organisation? It appears from the minister's answer that that decision has been made and is partially under way.

The Hon. P. HOLLOWAY: I think that the government has dealt with that body on previous occasions. It is my assumption that it has the support of not only the APY executive but also people generally within the community. I do not claim any expertise in the operations of the groups in that region.

The Hon. R.I. Lucas interjecting:

The Hon. P. HOLLOWAY: I do not know that the Leader of the Opposition would have particular expertise in this area, either.

Members interjecting:

The PRESIDENT: Order!

SUBSTANCE ABUSE

The Hon. A.L. EVANS: I seek leave to make a brief explanation before asking the minister representing the Minister for Health a question about substance abuse.

Leave granted.

The Hon. A.L. EVANS: A constituent from the north-eastern suburbs has tried desperately to obtain a copy of the government's drug and alcohol policy, but to no avail. Letters of request have been sent to the Minister for Health and to the drug program and population strategies branch, Department for Human Services. It is my understanding from general information given to the constituent by the Department of Human Services that, in 2002-03, of the 4 540 individuals who sought treatment at the Drug and Alcohol Services Council, 50 per cent returned for more treatment. Of the 1 219 individuals who sought treatment, only 10 per cent returned for more treatment. Understanding that the Drug and Alcohol Services is a state peak body regarding policy

development and research and has a number of subordinate services providing a range of specific rehabilitation, education and health services, and recognising that efforts are being made to implement the recommendations of the 2002 drug summit, my questions to the minister are:

1. Does the government keep statistical information on the success and failure rates of drug and alcohol rehabilitation through government assisted programs?

2. If yes, will the minister provide information on the criteria used to assess success and failure rates in these services and how such criteria is used?

3. Will the minister identify the main basis of the causes and treatment of alcoholism as applied in any government rehabilitation program aimed at clients with alcohol addiction?

4. Is the minister aware of the New South Wales government's recent change of policy in relation to its drug and alcohol rehabilitation programs, specifically the introduction of total abstinence programs for drug and alcohol addicts and, if not, why not?

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

SPEED CAMERAS

The Hon. J.M.A. LENSINK: I seek leave to make an explanation before asking the Minister for Industry, Trade and Regional Development, representing the Minister for Police, a question regarding fixed speed cameras.

Leave granted.

The Hon. J.M.A. LENSINK: The difficulties with the Victorian government's fixed speed cameras were recently fully exposed on the *7.30 Report*. The piece detailed the experience of the owner of a Datsun 120Y who received a $430 fine for driving at 158 km/h.

Members interjecting:

The Hon. J.M.A. LENSINK: Exactly. The only problem was that the car was found to be unable to travel at speeds higher than 117 km/h. After a number of similar complaints were received, the government was forced to admit that there might be a problem with the accuracy of the units. It has since been forced to agree that it will reimburse some 90 000 fined motorists at a cost of $14 million and establish a $6 million fund for motorists seeking compensation for hardship due to incorrect licence cancellations.

I note that in a reply to the shadow police minister on 13 November 2003 in another place, the Minister for Police refused to rule out fixed speed cameras in South Australia. I note also that, in its latest budget papers, the government expects fines revenue to increase by 42 per cent from $55 million to $78 million. My questions are:

1. Has the government considered, is it currently considering or will it rule out the use of fixed speed cameras in this state?

2. If the government does intend introducing fixed speed cameras, will it guarantee that sufficient time is provided for testing, instead of rushing the cameras into operation and having to repay motorists after the event, as took place in Victoria?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I will take that question on notice and get the Minister for Police to bring back a reply. I note in the question that the honourable member spoke about fixed speed cameras. The government has announced that it will be looking at using red light cameras, which are fixed. I am not sure whether she had those in mind or whether it is just the fixed cameras that are used in other states. If the honourable member wishes to clarify that, it might make it easier for the Minister for Police to answer. I will endeavour to get what information I can from the Minister for Police and bring back a reply.

HOUSING TRUST, ASBESTOS

The Hon. NICK XENOPHON: I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Housing, questions in relation to the South Australian Housing Trust and asbestos removal.

Leave granted.

The Hon. NICK XENOPHON: On 26 November last year, I asked questions directed to the then housing minister about the protocols and risk assessments for asbestos removal from Housing Trust properties as well as moneys spent on trust properties being subjected to asbestos removal work on more than one occasion. I received a response on 16 February 2004 that the cost was $1.138 million for the removal of asbestos from 1 199 trust properties from July 2002, with the trust returning to 44 of those properties to undertake further asbestos related works to the value of $108 000. The final sentence of the answer stated that 'some of these works included replacement of vinyl flooring which is undertaken when a property becomes vacant'.

Earlier this week, *Today Tonight* broadcast a story by its reporter Catherine Kennedy on Housing Trust practices involving asbestos removal. The story revealed a report entitled 'Review of Management of Asbestos Related Risks in the SA Housing Trust', by McLachlan Hodge Mitchell, Business Advisors, for the Department of Human Services. The 75-page report is dated June 2003. Many would find the report's findings damning of the trust and very disturbing in its implications for the health and safety of trust tenants and those who visit trust properties. Page 8 of the report states:

> · The responsibility for adherence to the Act, the Regulations and Codes of Practice is delegated to contractors without consideration of the overall legal obligation of the trust to all parties including tenants.

It also states, 'Procedures are not designated for each level of responsibility within the trust.' The report further states, 'Contractors are not always made aware of the trust's requirements of them in terms of health and safety.' The report at page 9 states:

> · Whilst the trust has policies and procedures in place, the procedures are not specific to each level of responsibility and do not necessarily recognise any requirements of the owner (the trust) for the actions of its agents (contractors, subcontractors and their employees).

The report further states:

> . . . the trust should ensure that in the course of any such future disposal, the liability for future claims passes to the purchaser.

On page 18 it is stated:

> . . . the process of ordering both asbestos testing and asbestos removal on the one order poses a risk to the trust and should be separated.

Page 39 of the report refers to 'major concerns' from the public point of view of a 'failure to communicate what was about to happen in the case of asbestos removal' and 'poor work practices by contractors and their employees'. The

report also refers, at page 41, to the interrelationship between the Asbestos Management Unit of the Department of Administrative and Information Services and the Housing Trust and what appears to be a lack of communication between the two. These are just some of the concerns raised in the report.

Further, page 22 of the report sets out a whole range of recommendations to be dealt with as a matter of high priority to deal with the problems identified, with many of these recommendations to be acted upon and implemented almost immediately, and most by February 2004. The *Today Tonight* report also referred to disturbing claims made by Tony Ollivier of the Housing Trust Tenants Association and a whistleblower about so-called ghost removals of asbestos from properties and of outright corruption in the allocation of jobs that led to the gaoling of former trust employee Kevin Dunn. Mr Ollivier said:

> There appears to be a racket going on. I'd say that somewhere between DAIS, the government body and the Housing Trust somebody's making a quid.

He makes reference to asbestos removals paid for that either did not take place or 'it was just a small asbestos sheeting removal that got turned into a larger. . . vinyl removal'. My questions to the minister are:

1. Why was the June 2003 report of McLachlan Hodge Mitchell not released publicly as soon as it was prepared and handed to the department, given the important public health and safety issues raised?

2. Why was the report not referred to in the answers that I received on 16 February 2004 about similar, if not identical, issues with respect to Housing Trust practices?

3. How many of the recommendations of the report have been implemented, and when?

4. Given the conviction of Mr Dunn and the serious allegations made by Mr Ollivier, will there be an investigation into the allegations of ghost removals and, effectively, the misallocation of taxpayers' money with respect to asbestos removal?

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

BUSINESS ENTERPRISE CENTRES

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development a question about business enterprise centres.

Leave granted.

The Hon. J.S.L. DAWKINS: On 26 May this year the minister made a ministerial statement in this place in relation to the funding of business enterprise centres. In that statement the minister announced that the network of BECs, including the Salisbury Business Export Centre, would receive funding for a further 12 months from 1 July this year. In doing so, he indicated that this decision would ensure continuity of service delivery by the BECs while discussions on a new structure of front line services to small business continue until the end of this calendar year. My questions are:

1. Will the minister confirm that the funding to BECs and the Salisbury Business Export Centre for 2004-05 is to be paid in two six-monthly instalments?

2. Will the minister acknowledge that the manner of funding as well as the lack of notice will limit the ability of BECs to ensure continuity of service delivery to small business across the metropolitan area?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): With respect to the timing of the funding, I will take that question on notice. It is my understanding that it was to be paid in two parts, but I would have thought that that is advantageous to the BECs in the sense that they would receive the first instalment somewhat more quickly. I will take the rest of the question on notice and bring back a reply for the honourable member.

CORRECTIONAL SERVICES, STAFF

The Hon. A.J. REDFORD: My question is to the Minister for Aboriginal Affairs. Given the Ombudsman's comments in his 2001-02 and 2002-03 report, regarding the use of sections 22 and 42 of the Correctional Services Act, what actions have been taken by the government to address those concerns? Secondly, given the comments by the prison officer on page 74 of that report that non-compliance with the act saves paperwork and the minister's recently refusing to rule out breaches of the Correctional Services Act regarding the City Watchhouse, is there now a culture in the minister's office and the department of non-compliance with the law?

The Hon. T.G. ROBERTS (Minister for Correctional Services): No, Mr President.

The Hon. A.J. REDFORD: Can I just get clarification? What actions have been taken by the government to address the concerns of sections 42 and 24?

The Hon. T.G. ROBERTS: I will endeavour to find out the answers to the questions the honourable member has placed before me in relation to potential breaches.

REGIONAL COMMUNITIES CONSULTATIVE COUNCIL

The Hon. J.S.L. DAWKINS: I seek leave to make a brief explanation before asking the Minister for Industry, Trade and Regional Development a question about the Regional Communities Consultative Council.

Leave granted.

The Hon. J.S.L. DAWKINS: Members may recall that the Regional Communities Consultative Council was established in late 2002 by the then minister for regional affairs, the Hon. Terry Roberts. This group was established under the chairmanship of respected former PIRSA CEO, Mr Denis Mutton, to follow on from the work done by the previous government's Regional Development Council, albeit after a hiatus of some 10 months. The Office of Regional Affairs web site indicates that linkages between the Regional Communities Consultative Council and the six regional facilitation groups are being established. My questions are:

1. Will the minister provide details of the links being developed between the regional facilitation groups and the RCCC?

2. Will the minister detail any changes of personnel that have occurred on the RCCC since its establishment?

The Hon. P. HOLLOWAY (Minister for Industry, Trade and Regional Development): I will provide that information to the honourable member.

REPLIES TO QUESTIONS

MIDWIFERY GROUP PRACTICE

In reply to **Hon.SANDRA KANCK** (26 May).

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

1. What steps is the Minister taking to ensure that midwifery group practices will be extended to appropriate hospitals across the state?

The Women's and Children's Hospital is the first hospital in the State to offer continuity of midwifery care through its Midwifery Group Practice, which commenced on 25 January 2004.

Planning for Midwifery Group Practice at the Women's and Children's Hospital (WCH) has taken over six years, being first discussed in late 1995. Its implementation has been achieved through the commitment of a group of midwives, the Australian Nursing Federation, WCH Executive and the Department of Human Services who developed an Annualised Salary Agreement enabling Midwifery Group Practice to be offered. This Agreement ensures that midwives receive an annualised salary with appropriate payment for working as a practice midwife.

Other hospitals can offer Midwifery Group Practice as an option of care for women wishing to have continuity of midwifery care, incumbent in part on midwives wishing to be involved in this type of care.

Hospitals, in collaboration with midwives, are encouraged to provide women with more choice in the birthing experience by expanding their options of maternity care.

2. Will the Minister give particular consideration to establishing a midwifery group practice at the Mount Barker District Soldiers Memorial Hospital?

The Hills Mallee Southern Regional Health Service advises that the Mount Barker District Soldiers Memorial Hospital is considered an ideal place to establish a Midwifery Group Practice.

There are specific issues relevant to country locations that must be addressed within the development phase of such a practice, to ensure its viability and sustainability.

Discussions have been held between the Mount Barker Hospital and the Women's and Children's Hospital about progressing this initiative from a regional perspective.

QUEEN ELIZABETH HOSPITAL

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

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

1. The Queen Elizabeth Hospital (TQEH) cannot quantify the number of women who may have by-passed this service and delivered at an alternative public hospital. The challenge would be in identifying those that have delivered at an alternative hospital through choice and those that may have by-passed the service for other reasons.

2. Collaboration, participation and networking with professional and consumer organisations is essential to promoting the maternity services at TQEH. A targeted marketing campaign promoting the "rebirth of a service" is already being considered.

In the interim, general practitioners within the western suburbs have been informed of the status of the TQEH service and the hospital has established a 1800 number so that members of the community can ring 24 hours a day to ascertain the status of the services.

3. The midwives that elect employment in other hospitals will be released by TQEH on secondment only. They will be required to return to their substantive employer (TQEH) when the maternity services are commenced on site.

4. Medical staffing requirements will depend on the outcomes of current service planning for women at TQEH.

5. TQEH is continuing to provide safe and caring antenatal and postnatal care to women. In the week following the birthing units closure (27 May 2004), several women returned to TQEH for postnatal care within hours of giving birth at other hospitals, preferring to be close to their family and home and in the hospital of their first choice.

In reply to **Hon. KATE REYNOLDS** (25 May).

The implementation of Midwifery Group Practice at the Women's and Children's Hospital (WCH) required an Annualised Salary Agreement to be in place before the practice could offer its services to women wanting continuity of midwifery care. Planning for the Midwifery Group Practice and the development and ratification of the Agreement took several years to effect.

The 12 midwives involved in the Practice are employed by the WCH and are fully engaged in practice work at the WCH.

The decision to offer Midwifery Group Practice is at the individual hospital level and is incumbent, in part, on midwives wishing to be involved in this type of care. TQEH would also be required to have an Annualised Salary Agreement in place before they could offer this type of care to women in their catchment area.

NAP FUNDING

In reply to **Hon. CAROLINE SCHAEFER** (4 May).

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

1. The $26.8 million allocated comprised of:

- $17.25 m of National Action Plan for Salinity & Water Quality Program (NAP) funds;
- $8.51 m of Natural Heritage Trust Extension (NHT) funds; and
- $1.10 m of National Landcare Program (NLP) funds.

The $17.25 m of NAP funds is drawn from the matched State-Australian Government component; hence it represents the investment of $8.6 m of State funds.

The NHT is cash funded by the Australian Government and is matched dollar for dollar in-kind by the State on a regional basis. For a Region to receive new NHT funds there needs to be a matching level of State-funded investment in acceptable NRM services in the Region for the NHT funding period.

The NLP is cash funded by the Australian Government and consequently there was no direct State cash investment under this Program

2. The $8.6m of State funds allocated is part of the $93m State investment in the NAP. While the total commitment to the NAP Program has previously been announced, this is the first announcement of this particular funding allocation under the Program. The funds are for completely new NRM investment activities. No previous announcements have been made by the State Government in regard to the NHT and NLP funding.

3. Program funds are provided to an INRM Group under a Regional Partnership Agreement (RPA), a tri-party contract between the Commonwealth, State and INRM Group. Under the RPA, the INRM Group has responsibility for the management of the funds to deliver the agreed investment activities. The INRM Group may then enter into its own contractual arrangements with providers to deliver specific projects.

ORGANOCHLORINES

In reply to **Hon. SANDRA KANCK** (4 May).

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

1. The Environment Protection Authority currently has 16.155 tonnes of waste organochlorine pesticide in storage. This material was collected during the Chem Collect Program and the operation of the EPA Hazardous Household Waste Depot.

The materials are stored in a purpose built secure facility which complies with the requirements of the Dangerous Substances Regulations and EPA conditions of licence for waste depots. The cost of storage is $15 000 per year.

2. The EPA is waiting for a response from the Queensland based destruction facility as to when they will accept wastes for disposal. It is not known at this time how much waste they will accept. Approximately 1.6 tonnes of waste were sent to Queensland for destruction in May 2003. 14.6 tonnes of organochlorine wastes were sent to Western Australia for disposal in 1999, however this treatment facility is no longer in use.

3. Organochlorine waste is normally transported by road by an EPA licensed waste transporter. This will be done in accordance with the Australian Code for the Transport of Dangerous Goods by Road and Rail, which incorporates emergency procedures. As directed by the Australian Code, emergency services and/or police are only involved should a response be necessary.

SANFORD HOUSE

In reply to **Hon. J.M.A. LENSINK** (3 May).

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

1. The Minister for Environment and Conservation did not apply for the interim heritage listing of Sanford House. Anyone can nominate a place for inclusion in the State Heritage Register. The Department for Environment and Heritage (DEH) routinely protects the privacy of those who nominate a place for the Register as the issue is whether the State Heritage Authority judges the place to meet the criteria for listing, not who nominates it.

2. The Public Schools Club was visited by a DEH officer on Thursday 25 March 2004 and staff of the Club were informed that the property was being assessed, prior to its consideration by the State Heritage Authority on 1 April 2004.

3. The National Trust was not formally consulted prior to the consideration of the matter by the State Heritage Authority on 1 April 2004, as the Trust has no legal role to play in the listing process. However, the Director of the National Trust of South Australia is a Deputy Member of the Authority and received the Agenda Papers prior to the 1 April meeting.

4. Sanford House was Provisionally entered in the State Heritage Register under section 17(2) (b) of the Heritage Act 1993, due to the possibility of it fulfilling the criteria under section 16 of the Act. The house at 47-53 Wellington Square was previously Provisionally entered in the Register under section 17(2) (b), but following a thorough assessment the Authority later removed the Provisional Entry as it did not meet the criteria for entry into the Register. In the case of Edge Hill and 224-225 East Terrace, neither of those places was regarded as likely to meet the criteria and hence neither was Provisionally entered by the Authority.

5. The government does not compensate owners of places entered in the State Heritage Register for a perceived loss of market value of their properties. However, owners of State Heritage Places are eligible for funding from the State Heritage Fund to assist in the care and conservation of those places.

6. The respective roles of the Adelaide City Council and the Government are quite different in terms of heritage matters. Allocation of available resources reflects those differences. For example, the Government devotes significant resources to assist in the provision of a heritage advisory service to more than 20 councils and to the development of a heritage policy framework. This is not part of the role of any individual council. By contrast, the Adelaide City Council has committed significant resources to a grants program. The Government acknowledges the importance of that commitment to heritage conservation in the City of Adelaide.

7. Fort Glanville

Maintenance of the Fort and protection of its heritage values is managed and funded by DEH.

Marble Hill

In 2002-03 DEH provided funding of $80 000 as a one-off amount towards high priority maintenance and risk management works. In addition, ongoing maintenance of the surrounding area is also provided by DEH.

Adelaide Gaol

DEH continues to manage the Adelaide Goal, which attracts some commercial revenue. However, following the decision of a lessee, for a portion of the Gaol, not to continue with their lease this funding has reduced.

8. As the member is aware, Cabinet issues remain confidential.

STATEMENT OF ACKNOWLEDGMENT

In reply to **Hon. R.D. LAWSON** (1 April).

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

In May 2003, the Hon. Mike Rann MP, Premier of South Australia launched the State Government's Aboriginal affairs policy framework 'Doing it Right'. This policy seeks to:

> recognise and respect Indigenous people as the original owners of this land with continuing rights and responsibilities associated with traditional ownership and connection to land and waters

When the State Cabinet endorsed this document, it became an important mechanism for promoting the cultures and customs of Aboriginal people insofar as their connection to land continues to exist.

the Government's 'Doing it Right' policy framework is not a policy that mandates SA Government agencies to use Statements of Acknowledgment; it is not so prescriptive. It is, however, a framework for action, which identifies areas where Government effort should be directed. Accordingly, many agencies have utilised Statements of Acknowledgment at public events to recognise the Traditional Owners of the land. Other agencies have adopted Reconciliation Statements, while others still have introduced or expanded cultural awareness programs.

Those departments that regularly use Statements of Acknowledgment, such as the Department for Administrative and Information Services and Department of Human Services have implemented frameworks which encourage staff to give due recognition to the special meanings that land and culture have within the minds and spirits of Indigenous peoples living in South Australia.

The efforts of individual agencies to appropriately recognise South Australia's Indigenous past are underpinned by the Across Government Reconciliation Implementation Reference Committee (AGRIRC). The broader SA Government membership to this committee includes:

- Department of Human Services
- Department for Aboriginal Affairs and Reconciliation
- Department for Administrative and Information Services
- Department of Treasury and Finance
- Department of the Premier and Cabinet
- Department for Environment and Heritage
- Primary Industries and Resources SA
- Department of Education and Children's Services
- Department of Transport and Urban Planning
- Department of Further Education, Employment, Science and Technology
- Department of Water, Land and Biodiversity Conservation
- Department of Business Manufacturing and Trade
- Office of Economic Development
- Justice Portfolio
- Reconciliation SA

The terms of reference of this across government committee are to:

1. Assist government agencies to achieve Reconciliation
2. Establish across Government linkages that support collaborative approaches to achieving the work of AGRIRC
3. To report to the Minister for Aboriginal Affairs and Reconciliation
4. To operate according to the principles that support the spirit of Reconciliation

Whilst the Statement of Acknowledgment is a valuable mechanism for Reconciliation and is promoted as such by AGRIRC, it is recognised as only a part of the overall Government effort to ensure the Reconciliation agenda continues to move forward.

EDUCATION, SPECIAL NEEDS

In reply to **Hon. KATE REYNOLDS** (1 April).

The Hon. T.G. ROBERTS: The Minister for Education and Children's Services has provided the following information.

1. Does the Minister know of schools that are failing to provide allocated special needs time to the students for which they are funded?

There is no evidence available to suggest that schools are failing to provide resources for students with disabilities.

The allocation of funding to sites for students with a disability is based on clear assessment, verification and support allocation processes. Funding for disabilities programs is not to be used for other unrelated curriculum or program areas in a school.

2. Will the Minister instruct that an audit be carried out this year to verify that the amount of special needs learning support provided matches the funding allocated to each school and each student?

The Department of Education and Children's Services audits schools' resources on a regular basis.

Many students attract additional resources for a range of specific needs. The resources are allocated to the school to manage and reporting about resource usage and student achievement is through the school's annual reports.

Sites are accountable to their communities and an individual student's parents for the suitability and effectiveness of the programs they resource.

3. Will the Minister act to ensure that any students who have not received allocated time prior to the audit will receive the total number of hours to which they are entitled, plus the shortfall, this school year?

If a parent believes that their son or daughter is not being supported in the way in which they expect they can discuss the

matter with the principal, the student support and disability coordinator in the district office or the district director. If the parent feels that all of these avenues have been exhausted they can call the Special Needs Education Helpline on 1800 222 696.

4. How can a Negotiated Education Plan (NEP) be lost; and what action will the Minister take to ensure that this does not occur in the future?

It is expected that schools and families keep NEPs safe as they represent the strengths and curriculum goals of individual students. Under normal circumstances NEPs should not be lost, but the loss of an NEP by a school during enrolment transition will not result in the loss of funding. Parents should be given a copy of their child's NEP, which they can keep. As well the student's name is entered on a state-wide database. Once notification is received that a student has moved to a new school of enrolment, an amendment to the database is made so that the funding is allocated to the new site.

5. What action will the Minister take to ensure that in future all allocated learning support time is provided to the students for whom the hours are intended?

If details of the examples referred to in the Honourable Member's press release and parliamentary question are provided the circumstances can be investigated and specific responses provided.

TODMORDEN INDIGENOUS LAND USE AGREEMENT

In reply to **Hon.RD. LAWSON** (30 March).

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

The State-wide Indigenous Land Use Agreement (ILUA) process was established in mid 1999 and commenced in early 2000. Cabinet reaffirmed the underlying policy considerations on 7 of August 2002. Its aim generally is to resolve native title claims and associated matters by negotiated agreement rather than contested litigation.

The negotiations principally involve the State (through the auspices of the ILUA Negotiation Team attached to the Attorney-General's Department), native title claim groups, the representative body in South Australia, Aboriginal Legal Rights Movement ("ALRM") and peak bodies representing industries affected by native title claims and processes.

A number of pilot negotiations have been conducted resulting in concluded agreements for minerals exploration and pastoral matters. It is intended that agreements negotiated during pilot negotiations will be rolled out into other claim areas and be used as the basis of negotiations to settle claims, rather than recourse to expensive and divisive litigation.

Currently there are two other matters that are near to conclusion:

- the peak fishing bodies are negotiating key principles for negotiation with the State and ALRM, in order that these principles can form the basis for on-the-ground negotiations with claim groups with interests in waters,

  and
- negotiations have been conducted on Yorke Peninsula since April 2003 concerning local government and future act issues (as defined under the Native Title Act). These are very important matters for consideration in other claim areas. The parties to these negotiations are the Narungga people (the traditional owners of Yorke Peninsula), the regional councils (the District Council of Yorke Peninsula, the Wakefield Regional Council, the Copper Coast District Council and the Barunga West District Council) and the State. Drafting of the ILUA agreement is at an advanced stage and it is hoped that the document will be signed by the end of this financial year or shortly thereafter.

MENTAL HEALTH ACCOMMODATION

In reply to **Hon. A.L. EVANS** (25 March).

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

1. Given that the facility is being monitored as a demonstration project, will the minister advise the criteria upon which the facility is being assessed?

Assessment of the project requires a flexible framework and a range of strategies. The following criteria are applied to relevant aspects of the project:

- degree of success in achieving improved stability and quality of life for people with complex needs;
- impact of the projects on the service system (both positive and negative);
- models and methodologies developed and used in the projects;
- key elements which contributed to the outcomes and impacts (both positive and negative, for participants and the service system) of the projects;
- project cost-effectiveness and ability to translate to other projects; and
- learnings from the projects.

The evaluation comprises assessment of the client's capacity to live independently related to the quality of life experienced and examines their relationships, the nature of service provided, and perceptions of these services and their impacts.

2. Will the minister advise the funding sources for the demonstration project?

Funding sources to construct the facility include:

- the Crisis Accommodation Program (CAP), administered by the South Australian Housing Trust. $1.3 million was allocated for construction of the congregate facility (SRF) which remains the property of the SAHT; and
- the South Australian Community Housing Authority. $557 000 capital funding was provided for the six two-bedroom independent units.

The total capital construction cost of the project is $1.857 million, to provide housing for a minimum of 19 participants.

In addition, funds were provided through the Commonwealth State Housing Agreement (CSHA) and the Victor Harbor Council, Local Government Community Housing Program (LGCHP) for the purchase of two properties at 55 and 57 Victoria Street (to locate the new buildings).

The demonstration project receives $181 000 per annum recurrent funding, which comprises a mix of CSHA ($101 000 per annum) and Country Health, Mental Health Program funding ($80 000).

This funding is used to provide support services to participants in the demonstration project i.e. the tenants in both the SRF and the independent units ($176 000 per annum) and for the independent evaluation of the demonstration project ($5 000 one-off).

Recurrent funds are allocated to the two non-Government agencies in the partnership for a range of support activities including:

- the provision of non-clinical disability support for building and maintaining the independent-living capacity of participants;
- establishing and managing an essential furniture rental purchase scheme for tenants living in the independent units; and
- participating in partnership processes for ensuring integrated support services for participants.

3. Will the minister advise whether the government has undertaken previous demonstration projects in the mental health sector and, if so, what are the findings?

The demonstration project at Victor Harbor is one of nine demonstration projects approved for implementation by the Department of Human Services. It involves the provision of supported accommodation for people with psychiatric disability and complex needs who require support to live in the community.

The first supported accommodation demonstration project for people with severe and persistent mental illness, referred to as the 'Supported Housing in the North' demonstration project and based in the Salisbury/Elizabeth region, was implemented in January 2001. Following a very positive independent evaluation, that initiative is now established as an ongoing mental health funded program. It currently supports 18 people to maintain independence and successful community tenure as SAHT tenants. Since its inception, approximately 30 people have been supported to establish independent living within the region.

There are seven demonstration projects at various stages of development, implementation and evaluation. They have different capacities and have been established to respond to specific population groups (across metropolitan and country regions). They are:

- Noarlunga – 12 adults; implemented 1 July 2002; draft evaluation report completed;
- South East – 8 adults; implemented 1 July 2002; draft evaluation report completed;
- Whyalla – 8 youth and young adults; implemented 1 July 2002; draft evaluation report completed;
- Victor Harbor – 19 adults plus 1 respite place; implemented 1 July 2003;
- Adelaide (Catherine House) – 10 adult women; implemented 1 July 2003;
- Riverland – 6-8 Aboriginal youth and young adults; implemented 1 January 2004;
- Port Adelaide – 6-8 Adults; implemented 1 April 2004.

A further demonstration project is being developed for implementation in late 2004, to provide supported accommodation for 8-10 children aged 15-17 years under the Guardianship of the Minister (GoM), who have complex needs and a mental health diagnosis or are assessed as at risk of ongoing mental health issues.

All of the demonstration projects involve regional, inter-agency partnerships responsible for establishing integrated support services that address the 'whole-of-life' needs of people with complex issues, where the disability support is flexible, responsive and tailored to individual need.

Evaluation of the 'Supported Housing in the North' demonstration project was commissioned by Department of Human services and undertaken by Health Outcomes International Pty Ltd, which reported in late 2001.

The report showed that evaluation of both quantitative and qualitative data confirmed the significant success of the project in achieving its objectives in relation to improved quality of life for participants, enhanced capacity for independent living, improved stability of housing tenure and reduced demand on the acute sector. In particular:

- dramatic reduction in the number of days participants spent in hospital for mental health related treatment, with a reduction from an average of 9.7 days per person per month during the twelve months before receiving support, to just half a day average per person per month;
- clinical assessment tools demonstrated a marked improvement in the functioning and wellbeing of participants while they were receiving support;
- improved maintenance of housing condition, reliable payment of rent and compliance with debt management, with a resulting reduction in cost to the SAHT; and
- improved service collaboration across sectors.

The evaluation identified a significant level of stakeholder support for the project and its continuation, and the report generated a number of recommendations for building upon the successes of the project and for informing future partnership initiatives.

The findings of the evaluation reports (in draft) for the demonstration projects at Whyalla, South East and Noarlunga are equally positive in the findings including: improved functional capacity for independence; improved housing stability and tenure success; improved medication compliance; more reliable engagement with mental health services; reduced hospitalisations for mental health care; improved levels of community participation and social engagement.

SEWERAGE RATES

In reply to **Hon. J.F. STEFANI** (24 February).

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

1. Will the minister provide a breakdown of the sewerage charges levied and collected on all properties for the years ending 30 June 2002 and 30 June 2003?

The breakdown of sewerage charges levied and collected on all properties for the year 2001-02: $208.2m

The breakdown of sewerage charges levied and collected on all properties for the year 2002-03: $219.7m

2. Will the minister provide an estimate of the revenue to be collected from all properties for the provision of sewerage services for the year 2004?

The estimate of the revenue to be collected from all properties for the provision of sewerage services for the year 2003-04: $231.7m

BEACHPORT BOAT RAMP

In reply to **Hon. D.W. RIDGWAY** (23 October 2003).

The Hon. T.G. ROBERTS: The Minister for Transport and the Minister for Environment and Conservation have provided the following information:

1. The temporary boat ramp was constructed in December 2003 to the point where it could be used safely by the community, and was fully operational over the summer holiday period. I am advised that safety issues with the previous ramp existed both in relation to the condition of the ramp and also the orientation of the ramp in relation to the longshore current and exposure to the swell. The condition of the original ramp had deteriorated to a stage that it was closed to the public in November 2003 and demolished in late December 2003, at which time the temporary ramp became operational.

2. The EPA has never indicated a preference for the Glenn Point site as a boat ramp location.

There are significant issues with constructing a ramp at Glenn Point. Open space for parking boat trailers and cars is limited and an additional area would have been needed either by land reclamation over the seabed or by carrying out a boundary adjustment and excavating sand dunes in the vicinity of the adjacent commercial boat yard. This may also have involved clearance of native vegetation. As the seaward location is rocky, dredging and/or blasting could have been required to achieve the required depth for boat launching.

3. The cost of the temporary ramp is estimated at $120 000 which will provide an all tidal, all weather facility. Cost of rudimentary repairs to the old ramp was estimated at $80 000 and would have provided at best, a "stop-gap" facility that would only be usable during higher tides and in calm weather.

4. The Rivoli Bay Foreshore Advisory Committee is investigating the development of a facility in the Beachport area to cater to the long-term needs of both the commercial fishing and recreational boating sectors. Until the construction of the temporary boat ramp in December 2003, Beachport had no public boat ramp, as the existing facility was closed because of its rapidly deteriorating state and safety concerns associated with its continued use. In the short term, Beachport required a facility to cater for the needs of the recreational boating public, in particular holidaymakers over the Christmas period.

5. No.

In reply to **Hon. SANDRA KANCK** (23 October 2003).

The Hon. T.G. ROBERTS:

6. The Coast Protection Board has provided comment on the proposal to build a temporary ramp. The Board did not have concerns about the ramp causing loss of seagrass. It did have concerns that the breakwater could change sand deposition patterns at the ramp. Sand movement will be maintained under the area's foreshore management plan.

In reply to **Hon. A.J. REDFORD** (23 October 2003).

The Hon. T.G. ROBERTS:

7. In addition to the temporary boat ramp, a breakwater was also being constructed by the Coast Protection Board to reduce wave erosion along the foreshore. The breakwater is constructed of geotextile bags filled with sand. The breakwater has since been completed.

WORKCOVER

In reply to **Hon. D.W. RIDGWAY** (15 September 2003).

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

I would like to thank the Hon D.W. Ridgway MLC for providing specific information regarding the employer.

The WorkCover scheme enables employers to have the Levy Review Panel review the circumstances where employers believe that they have been unreasonably treated in respect of levy matters. The employer has pursued this avenue and accepted the outcome.

2. Each State has its own rating system for workers compensation. Generally the transport industry falls into the high-risk category. For example, I am advised that in Victoria WorkCover advertises their rate for Interstate Road Freight Transport as 9.83 percent including GST for 2003-04. I am also advised that in New South Wales the levy rate for Bulk Freight Transport is 8.86 percent including GST for 2003-04. I understand that South Australia's rate of 6.90 per cent plus GST for Road Freight Transport for 2003-04 is competitive.

All states have their own experience rating schemes that adjust base rates depending on an employer's claims experience.

I am advised that WorkCover's levy system has been operating virtually unchanged since 1990.

3. I am advised that in line with customer call centre practice internationally and locally, WorkCover Corporation operational staff are only required to provide their first names when in contact with customers.

WorkCover has a queuing system for its call centre to ensure the first available operator responds to the next inquiry as opposed to waiting to speak to a particular individual who had signed the letter. Also, this practice ensures the protection of staff from the disclosure of personal information that may identify them outside of the work

environment. As a result, the Corporation does not require staff to provide their surnames.

SMOKING BAN

In reply to **Hon. NICK XENOPHON** (13 October 2003).

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

1. As indicated in the Budget paper the estimate of the impact on State budget revenue of a smoking ban in gaming areas of between $45 million and $70 million was based on the Victorian experience. The range reflects a decline of between 10 per cent and 15 per cent in projected levels of gaming machine expenditure in hotels and clubs and the casino.

2. The most recent information from Victoria indicates that the estimated impact of the smoking ban is reductions in gaming machine expenditure of around 17 per cent-20 per cent. This is now considered an on-going impact on revenue collections.

The 8.9 per cent decline in gaming machine expenditure in Victoria quoted in the question is only a part-year effect. In addition, it is the absolute decline in gaming machine expenditure between 2001-02 and 2002-03 rather than the estimated impact on budget revenues that include a projected growth in expenditure between the years.

The Government has no cause to revise the range of estimates previously provided.

3. The Australian Hotels Association has provided the Government with some modelling on the impact of reductions in gambling expenditure. That submission calculated the estimated reduction in gaming machine tax receipts from various assumed declines in gaming machine expenditure.

I am advised that Treasury did not rely on or adopt that submission in forming estimates of the revenue loss from a ban on smoking in gaming venues.

4. The Premier has advised that on 27 November 2003 the State Government announced a package of smoking reforms which I am advised made South Australia the first state in Australia to set a date for the complete ban of smoking in all enclosed workplaces and public areas and in hotels and clubs.

Workplaces and enclosed areas including shopping centres will become smoke free within three months of legislation being passed in parliament in 2004.

All hotels and clubs including the casino will have a four phase smoking ban from the time legislation is passed in 2004 culminating in a total ban by October 31, 2007.

These reforms will give all workers the right to a smoke free environment and will help decrease the incidence of passive smoking in our community.

Traditionally in the SA Parliamentary Labor Party the Party Leader declares conscience issues. I hope the Hon. N. Xenophon will support the legislation in the Legislative Council.

5. Please refer to the response to question 4.

6. The Department of Human Services has advised that it has not yet estimated the potential savings to the health budget as a result of smoking bans.

TRADE AND ECONOMIC DEVELOPMENT DEPARTMENT

In reply to **Hon. J.F. STEFANI** (6 May).

The Hon. P. HOLLOWAY: Mr Garrand provided economic advice to the Hon Kevin Foley in late 2001 and subsequently worked for a brief period in the Deputy Premier's Office in March 2002 and April 2002 to assist in assessing the State of South Australia's finances and providing economic advice to the Treasurer.

ROAD SAFETY

In reply to **Hon. J.F. STEFANI** (29 March).

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

The Community Road Safety Fund has a 2003-04 budget of $53.4 million, of which $29.6 million is paid to South Australia Police for its road safety related programs.

The remaining $23.8 million is used by the Department of Transport & Urban Planning for capital and recurrent programs that are wholly or overwhelmingly directed at road safety.

A report containing the amounts paid into the fund, expenditure from the fund indicating the nature of projects funded and the balance of the fund will be tabled in Parliament annually.

AUDITOR-GENERAL'S REPORT

In reply to **Hon. J.F. STEFANI** (18 February).

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

On 12 February 2004, the Auditor-General released a report titled, 'Department of Human Services: Some matters of importance to the Government and the Parliament'.

The report sought to clarify certain issues following the Treasurer's media release of 19 December 2003 regarding the Department of Human Services (DHS) funding crisis.

It is important to note that the Auditor-General's concerns did not lie with the processes undertaken by this Government. In fact, the Auditor-General states, 'the concerns raised by the Treasurer are, in my opinion, well founded, and in many cases reflect concerns raised by audit over a period of years.'

This report was necessary as, in the Auditor-General's view, 'several of the issues that have been publicly raised following the issue of the Treasurer's press statement, apart from being factually incorrect, have the tendency to undermine public confidence in the governmental audit processes of this State'.

I commend the Auditor-General for clarifying events in relation to this issue.

This Government makes no apology for making the public aware of important issues such as the DHS funding crisis. Ultimately, issues such as these have the ability to affect all South Australians. The Government however, cannot be held accountable for the way the media choose to portray events.

In response, this Government has injected many hundreds of millions of dollars into the South Australian health system since coming to office and will continue to place health as our number one priority.

REGIONAL DEVELOPMENT BOARDS

In reply to **Hon. CAROLINE SCHAEFER** (11 November 2003).

The Hon. P. HOLLOWAY:

1. The peak regional development organisation, Regional Development SA (RDSA) is in the process of developing Terms of Reference for a 'Strategic Review of South Australia's Regional Development Framework' as a response to Recommendation 4 of the Economic Development Board Report 'A Framework for Economic Development in South Australia'. All regional development boards (RDBs), including the Limestone Coast Regional Development Board (LCRDB), are involved in this process.

Whilst on the basis of existing geographical size and population, it would seem unlikely that the existing LCRDB boundaries would be changed to any extent, the above review will consider this in the context of the whole of regional SA. Certainly, it is not anticipated that the LCRDB regional boundaries would be contracted.

2. The Economic Development Board in Recommendation 4 indicated that 'The Regional Development Board framework be rationalised to ensure a more strategic approach to the delivery of regional economic development initiatives and business extension services.'

The Government will consider the recommendations of the RDSA review as a basis for its decisions regarding rationalisation or structural adjustment within the regional development board framework.

3. While I am not prepared to pre-empt the recommendations of the review, I can assure the Hon Member that service delivery will not be compromised.

4. Recommendation 4 is Government policy and will be honoured.

5. Regional services will not be impacted by any changes to their RDB delivery mechanisms. The Office of Regional Affairs (ORA) will be a separate division within the proposed Department of Trade and Economic Development and will continue to undertake policy development and service delivery functions. ORA staffing levels are being considered as part of detailed workforce planning for the new Department.

6. All 13 regional development boards will have Resource Agreements that expire on either 30 June 2007 or 30 June 2008. The existing five year agreement for the Kangaroo Island Development

Board was extended by 12 months to 30 June 2004. A new four year Resource Agreement to 30 June 2008 is currently being prepared.

7. Minister Roberts is not the Minister Assisting in Regional Development.

AGRICULTURE, FUNDING

In reply to **Hon. D.W. RIDGWAY** (1 April).

The Hon. P. HOLLOWAY:

2. The Australian Bureau of Agriculture and Resource Economics provides data that is critical in measuring and monitoring the health of the rural sector in South Australia and in assessing the impact of government policies on the regions. Moreover, ABARE's forecasting work is important to both industry and government decision-making with regard to future infrastructure needs, product development and export initiatives.

3. The continued provision of services currently delivered by ABARE, and the Bureau of Rural Sciences, is therefore essential in view of my previous comments. The data and services provided by these agencies are valuable to the development of South Australia's regions.

GREEN PHONE

In reply to **Hon. A.J. REDFORD** (31 March).

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

1. The Attorney-General advised in another place on 1 April, 2004, the report was received on 18 February, 2004.

2. The Attorney-General has received oral briefings from the Commissioner for Consumer Affairs about the progress of the liquidator's investigation. A further briefing will be provided once the Crown Solicitor has had the opportunity to consider the implications of the report fully and the options for dealing with the issues in it.

3. The Attorney-General has already informed the Parliament in another place about the liquidator's report. The Commissioner for Consumer and Business Affairs received the liquidator's report on 18 February, 2004. It was lodged pursuant to section 533 of the Commonwealth Corporations Act 2001. Section 1274(2)(a) of that Act provides that a person may inspect any document lodged, with various exceptions that are then listed, one of which is a report made or lodged under section 533 (see section 1274(2)(a)(iv)).

The Attorney-General was keen to release the report to the public but the Crown Solicitor has advised that liquidator's report is not a public document, and that it would be contrary to the Corporations Act 2001 for him to release it. A Freedom of Information application for the report is currently under consideration by the Corporate Affairs Commission. The delays in reporting were unfortunate and caused, the Attorney-General was advised, by the poor record-keeping of Green Phone Incorporated and the complexity of the issues that its transactions raised.

4. The Border Watch, which quoted the liquidator as saying that the report disclosed offences, has subsequently, on 2 April, 2004, printed a retraction.

The Corporate Affairs Commission is currently obtaining advice from the Crown Solicitor's Office as to the possibility of any prosecution under the Associations Incorporations Act 1985 and will act in accordance with that advice.

ENERGY, RENEWABLE

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

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

1. As you are aware, the Government is a strong supporter of renewable energy and, as the Premier highlighted, it is the intention of the Government that this State will lead the nation in the use of sustainable energy technologies.

2. Diesel generation is not categorised as sustainable energy.

3. The Government is working hard for the residents and business owners on Kangaroo Island to ensure that their quality of electricity supply is improved. This is why the Government is providing a significant contribution towards solving the Island's reliability problems.

While the Government is a strong supporter of sustainable energy technologies, it is unfortunately the case that intermittent forms of sustainable energy, such as wind farms, are unlikely to be a viable solution in all situations.

The Kangaroo Island supply arrangements consist of an extensive radial distribution network connected to the mainland network via an undersea cable at Cape Jervis, compared with a more meshed network elsewhere in South Australia.

Utilising wind as an energy source raises significant issues for the operation of the distribution network, particularly with regard to maintaining stable voltages on long radial networks, due to the volatile and intermittent nature of wind generation.

Importantly, it is unlikely that the provision of wind farms on there own would be able to consistently address the reliability issues associated with failures of the distribution network connection to the mainland. Options that include wind power with conventional back up generators may prove to be an alternative that could help solve the current problems.

The specific type of back-up generation facilities is yet to be determined. That decision will depend upon the ability of the various forms of back up systems to meet the needs of the Kangaroo Island community.

Accordingly, the Government will continue to work to improve the reliability on Kangaroo Island by seeking to provide appropriate back-up generation facilities while working to ensure that South Australia leads the nation in the use of sustainable energy technologies.

In reply to **Hon. IAN GILFILLAN** (29 March).

The Hon. P. HOLLOWAY: With regard to the supplementary question of the Hon. Ian Gillfillan, a significant number of wind farm developments are progressing across the South Australian network, with the Starfish Hill wind farm already operating. It would appear likely that the South East network configuration will allow a number of wind farm developments to proceed without the need for extensive network upgrades.

CONSTITUTION, DEADLOCK PROVISIONS

In reply to **Hon. IAN GILFILLAN** (12 November 2003).

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

1. The election of two additional members may have the effect of breaking a deadlock, however the Government does not believe that this is an appropriate way to resolve an impasse.

2. The Solicitor-General and Crown Solicitor have not provided advice.

3. On balance, yes, however it is not the highest priority in the Government's legislative program.

4. The issues discussed at the Constitutional Convention were those suggested by the Speaker of the House of Assembly, the attendees at the 26 town and country meetings held to discuss constitutional issues and the convention delegates themselves. Deadlock provisions were raised in the Constitution Convention discussion paper. I also raised the issue at some town and country meetings, Nevertheless, the Government did not consider it appropriate to determine the issues that the delegates were to discuss.

RESIDENTIAL TENANCIES ACT

In reply to **Hon. A.L. EVANS** (29 March).

The Hon. P. HOLLOWAY: The Minister for Consumer Affairs has received this advice:

1. The Government is currently considering the submissions made to it arising out of the review of the Residential Tenancies Act, including the need for legislation governing the rights and responsibilities of residents and operators of caravan and mobile home parks in South Australia.

2. In December 1989 the Ministers of Consumer Affairs, Housing, Local Government and Environment and Planning agreed to establish a working party to investigate issues about permanent living in caravans and mobile homes in South Australia. The Caravan Parks Working Party provided a report to the Government in April 1991, entitled 'The Role of Mobile Home and Caravan Parks in South Australia', which covered a range of issues about long term residency in caravan and mobile home parks. The Caravan Park Implementation Task Force was established and commenced work to carry out the report in March 1992. In late 1992, a further report was prepared by the Task Force and provided to the Minister of Housing and Construction for consideration. However, it was not acted upon before the change of Government in 1993.

Although this information was available to the Legislative Review team established in 1994, no further action was taken about

legislation for long term residents of caravan and mobile-home parks under the Liberal Government.

COMMUNITY FOUNDATIONS

In reply to **Hon. J.S.L. DAWKINS** (4 May).

The Hon. P. HOLLOWAY: The State Government, through the Office of Regional Affairs, has financially supported several studies that have assessed the feasibility of establishing community foundations in regional South Australia. Studies to assess the feasibility of establishing a regional community foundation have been completed in the Riverland, South East and Eyre Peninsula. State funds have supported these studies.

Information about community foundations has been distributed widely to members of regional/rural groups and organisations.

Several people from rural communities were financially assisted to attend a national forum on community foundations in Katoomba during March 2002.

Opportunities to participate in training and development about fund establishment and development have been made available to members of rural communities.

In May 2002 the Office of Regional Development (now Office of Regional Affairs) sponsored several regional workshops and awareness raising sessions by Barbara Oates, Program Director, Vancouver Foundation.

On 31 October 2002 the Minister for Regional Affairs presented a $10,000 cheque to assist in the establishment of a corpus for the first rural community foundation in South Australia – the Barossa Community Foundation.

Three community foundations have been established in SA through the Building Stronger Regional SA initiative (Barossa, South East and Eyre).

The Barossa Community Foundation has been established.

The State Government contributed $10,000 to this Fund on the condition that it is matched by community contributions.

Final tax approvals and arrangements are currently in progress.

Steering Committees to establish Community Foundations in Loxton/Waikerie, Eyre Peninsula and in the South East have been formed.

Riverland is not progressing at this stage.

Eyre Peninsula is in the implementation phase and currently seeking funding to employ a Funding Officer.

South East are in the final stages of tax approvals, have established a website and begun community fundraising.

GREEN PHONE

In reply to **Hon. A.J. REDFORD** (29 March).

In reply to **Hon. J.F. STEFANI** (29 March).

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

1. The Commissioner for Consumer Affairs advises the Attorney-General that the commissioner's officers have been liaising with the commonwealth and the Australian Federal Police about the affairs of Green Phone. The Australian Federal Police have told the Commissioner for Consumer Affairs that an investigation into allegations of fraud committed by Green Phone Incorporated pertaining to commonwealth grant funds has now been concluded. No criminal charges have been laid and no further investigation is proposed at this time.

2, 3 and 4. The Attorney-General has already informed the parliament in another place about the liquidator's report. The Commissioner for Consumer and Business Affairs received the liquidator's report on 18 February 2004. It was lodged pursuant to section 533 of the Commonwealth Corporations Act 2001. Section 1274(2)(a) of that act provides that a person may inspect any document lodged, with various exceptions which are then listed, one of which is a report made or lodged under section 533 (see section 1274(2)(a)(iv).

The Attorney-General was keen to release the report to the pubic but the Crown Solicitor has advised that the liquidator's report is not a public document, and that it would be contrary to the Corporations Act 2001 for him to release it. A request under the Freedom of Information Act for access to the report is currently being considered by the Corporate Affairs Commission. The delays in reporting were unfortunate and caused, the Attorney-General was advised, by the poor record keeping of Green phone Incorporated and the complexity of the issues that its transactions raised.

5. The relevant provisions in the Associations Incorporation Act refer back to the Corporations Act 2001. There are provisions in the act that allow a party to take a liquidator to court to dismiss the liquidator if his or her duties are not being discharged. It was not considered that this step was necessary in this case, although the commissioner expressed his concerns to the liquidator about the lengthy time it was taking to prepare the report, on several occasions.

STATUTES AMENDMENT (BUDGET 2004) BILL

Adjourned debate on second reading.

(Continued from 3 June. Page 1789.)

The Hon. R.I. LUCAS (Leader of the Opposition): I rise on behalf of Liberal members to speak to the second reading of the Statute Amendment (Budget 2004) Bill. In doing so I indicate that the Liberal party's position is that, as is normal practice in relation to budget bills, we will not oppose the legislation. We will welcome some modest relief—even modest relief I think it has been described in some circles—that has been provided from the government coffers to South Australian tax payers. We do express our concern and will do so in relation to not only the way some of the concessions are being offered but also the lack of generosity, which perhaps is the kindest way of putting it, in the government's position in relation to tax concession measures. Briefly, as a second reading indicates, some very modest proposals for tax relief have been included in this budget, including a modest reduction in the payroll tax rate from 5.67 to 5.5 per cent, some modest reductions in the stamp duty for first home owners and also removal of some smaller heads of state stamp duty, such as on cheques and leases.

Also, the budget (although this bill does not incorporate it) did incorporate the removal of the bank debits' tax. First, I will speak at large and indicate that this budget—which we will address in greater detail when the Appropriation Bill arrives in this chamber in the not too distant future—creates something of a record in South Australia's tax collecting terms. The Premier (Mike Rann) and the Treasurer (Kevin Foley) are now the highest tax collecting premier and treasurer in South Australia's history.

They do so pretty easily when one looks at the tax collection measures that have been introduced over the first three budgets. As we have already highlighted, a large part of the increased revenue collection has been constructed on the back of a series of broken core promises from Mike Rann during the 2002 election campaign. We all remember the very popular promises he made of no new taxes and no increases in taxes, both of which he has broken. The Rann water tax, of course, was introduced. We have seen significant increases in gaming tax, despite explicit written promises from the Labor Party to the hotel industry that it would not increase that tax.

Also, the 2002 budget contained extraordinarily large increases in stamp duty on property conveyances, to which I will return in a moment. Some stamp duty rates increased by something like 25 per cent for property conveyances over $200 000. That is just a small collection. Of course, the government also made a very popular promise (which it knew would be very popular) that there would be no new charges

and no increases in government charges if the Rann Labor Party were to be elected.

As we know, literally thousands of government charges right across the board have been increased each and every year to help fund the spending programs of this government—again, an explicit broken promise from this government. Of course, we have seen in many other areas that this government and these ministers do not feel bound to keep promises. Indeed, the moral position of this government has been put by its own Deputy Premier, who said, as he taunted the Leader of the Opposition (Hon. Rob Kerin) in that famous phrase of which he will be constantly reminded, 'You don't have the moral fibre to break your promises; we do', as if that were to be some badge of honour for the Deputy Premier and his own party.

From the opposition viewpoint, it is a badge of condemnation that the morality of a person, a party and a government should be so low that they would seek to taunt a Leader of the Opposition on the basis of (as the Deputy Premier said),'You don't (and he doesn't) have the moral fibre to break your promises.' The Deputy Premier did, and he was quite proud of that set of circumstances. That has been the foundation upon which this budget has been presented. As I said, in addition to that, we have seen the state of the state's economy—significantly as a result of the hard work of the former government's leaving a healthy and growing economy to an incoming administration—significantly grow.

Until recent times—and, obviously, there has been some concern since the middle of 2003—we have seen significant growth in the state's economy, and we saw significant growth in terms of property valuations. That has fed through into property taxes generally. Again, as I highlighted before, this government has become not only the highest taxing government in South Australia's history but also it is the first government ever to break through the magical $1 billion mark in terms of the collection of property taxes.

We have seen magical marks before: the four minute mile and the one minute mark for the 100 metres women's freestyle. People look at a number of threshold marks. The Premier and the Treasurer have broken the magical $1 billion mark in terms of property tax collections, and it did so on the back of very large increases in stamp duty collections. Also, land tax collections were significant, and we have highlighted those on other occasions. Stamp duty collections on conveyances have gone through the roof for two reasons: first, the broken promise that I highlighted previously, and the increase in some stamp duty rates of about 25 per cent; and, secondly, we have seen extraordinarily large increases in property valuations.

The median value of a house in the March quarter 2004 in South Australia was around $250 000. Just under $250 000 was the median value for a house in South Australia in the March quarter. Just 12 months prior to the March quarter in 2004 we saw median house values in South Australia of around $170 000. Property values have increased significantly and, as I said, the increases in stamp duty rates introduced by the government in its 2002 budget has meant that many South Australian workers and their families have been slugged to a much greater level than equivalent families in other states in terms of the stamp duty on property conveyances.

The Deputy Premier and the Premier sought to convey the impression in 2002 that the increases in stamp duty above $200 000 would really hit only the wealthy, the rich and the well-heeled. I think it is an indication of how out of touch Premier Rann is from his own electorate in Salisbury. I know he lives—

The Hon. Carmel Zollo: Do you know where it is?

The Hon. R.I. LUCAS: Well, I know he visits it occasionally—I suspect he might drive through it or fly over it occasionally. He certainly does not live in it: he lives in the eastern suburbs of Adelaide.

The Hon. Carmel Zollo: And where does Malcolm Buckby live? You really do not want to go there.

The Hon. R.I. LUCAS: Well, where does Michael O'Brien live?

The Hon. Carmel Zollo: There are quite a few on both sides, so what do you want to go there for?

The Hon. R.I. LUCAS: I am quite happy to. You can go wherever you want to go—frankly, out of the chamber if you want to. I advise the Premier and the Deputy Premier to actually go to suburbs like Salisbury North and look at what the March quarter median house value is there. I can advise them that the median house value in Salisbury North is around a quarter of a million dollars—it is around $240 000 to $250 000. If you look at the median house value in suburbs like Semaphore, Port Adelaide and the north-western suburbs—some of which the Deputy Premier might be aware of, as he occasionally visits his electorate these days—the median house value is well over $200 000, and in a number of cases over $240 000 to $250 000.

If one heads down south there are, again, many examples. In the North-East, if one goes through the suburbs around St Morris and Tranmere, the median house value is well above the $200 000 mark that the Premier and the Deputy Premier stitched down as being the mark that delineated the wealthy and the well-to-do from the less well off in terms of the value of the housing they happen to inhabit. That is the reason this government has burst through the billion-dollar property tax value for the first time and, whilst they are predicting that this financial year it will be just under $1 billion, it is certainly the opposition's view that we are again likely to see the billion-dollar mark passed by this government for the second time in the state's history.

We are seeing a 30 per cent increase in terms of land tax collections—a $60 million increase. The Land Tax Reform Coalition had virtually all their submissions, with the exception of one or two minor aspects, rejected by the Rann government and, in particular, by the Deputy Premier. That has occurred because the Deputy Premier knows that the property valuations done in January this year have increased by an average of approximately 30 per cent, and that is why Treasury is predicting an around 30 per cent increase in land tax receipts for the next year. If there was a scream at the end of last year when land tax notices went out, look out at the end of this year because that is an average of 30 per cent—in parts of South Australia and Adelaide land tax receipts will go up significantly greater than that.

Again, the Deputy Premier's attitude to this is that it is only the well-heeled and the wealthy who pay land tax. What the Deputy Premier does not appreciate is that there are many thousands of South Australian workers and their families who pay rent, and they pay rent to investors and landlords. The investors and landlords in South Australia are the ones who have to pay the land tax imposts that are feeding through the system. Whilst I think the Deputy Premier might have described himself as a renter as opposed to an investor—I think he has been an investor in the past and he may well still be, I am not sure—he ought to be aware that there will be many thousands of South Australian workers and their

families who have to pay significantly increased rents, because investors are not going to take the hit in terms of their returns on their investment properties. They have made investments in terms of their investment property, they expect some sort of return , and they will—at the appropriate time and through their rental increases—ensure that the increases in land tax are not paid directly by them but ultimately by the renters in South Australia. So, again, it is a short-sighted view from the government in relation to this area.

In relation to both those areas, and collectively under the title of property taxes, it has been the opposition's view that it is possible to provide further modest tax relief and at the same time still be able to achieve balanced budgets and, ultimately, AAA credit ratings in South Australia. Again, I will go into greater detail with the Appropriation Bill where we will highlight some of the government waste that we see right across the board with ministers and their departments and, clearly, that is one area where a government could save money and at the same time provide targeted further relief to property tax payers in South Australia.

The second area is, again, one that we will address during the Appropriation Bill debate, but it relates to some additional $750 million in GST moneys flowing through to South Australia for the next four years. That is over and above what the state would have received under the pre-GST federal tax funding arrangements. And every other Labor government in every other state has used some of that GST money, and some of the property tax surplus that they have collected, to provide much more generous property tax relief to their taxpayers. I seek leave to have incorporated into *Hansard* without my reading it a table which indicates the stamp duty payable on a first home by a first home-owner on a $250 000 home with a 10 per cent deposit and a $225 000 mortgage.

Leave granted.

The following table shows the stamp duty payable by a first home owner on a $250 000 home with a 10 per cent deposit and $225 000 mortgage.

	Stamp duty payable	Savings from budget/pre-budget
South Australia	$8 940	$792
Tasmania	$4 327*	$4 000
Victoria	$5 327*	$5 000
Northern Territory	$5 724*	N.A.
Western Australia	$5 050	$4 954
New South Wales	0	$8 081
Queensland	0	$2 600
ACT	0	$7 500

*Note: Duty payable in Victoria is $10 724, offset by cash grant of $5 000 payable until 30/6/2005; duty payable in Tasmania is $8 327 offset by a $4 000 rebate.

The Hon. R.I. LUCAS: Avid readers of *Hansard* will be able to see the detail of the table, but I will describe it. Put simply, the South Australian first home owner will pay almost $9 000. The equivalent first home owner in New South Wales, Queensland and the Australian Capital Territory pays nothing. In most other states they pay approximately half the $9 000 that the first home owner in South Australia pays. The second column in the table highlights the savings that have been introduced by Labor governments in all other states and territories in their budget or pre-budget announcements. In South Australia, the relief is a miserly $792 to the first home owner who is buying a house at the median price of $250 000 in the March quarter of 2004. That $792 is to be contrasted with New South Wales, which has provided relief of $8 081 to the first home owner in those circumstances. Most other governments have provided relief of $4 000 to $5 000. New South Wales was the most generous with almost 10 times the relief provided by the South Australian government. Most other state Labor governments provided relief five or six times the level of relief provided by the South Australian government.

The South Australian government has sought to distort the impact of the relief in South Australia. It has used old figures—2002-03 figures—for the median value for the first home buyer. I advise the Premier and the Treasurer that, if they are prepared to guarantee that in June 2004 first home owners can buy houses at the average of 2002-03, there might be some validity in the figures that Treasury and the Treasurer's office have constructed to try to exaggerate the impact of the relief that has been provided. There is not much point in using 18-month old figures to try to highlight the value of the relief that has been provided to first home owners.

While the opposition is prepared to concede, as we look at the March quarter 2004 (which are the most recent figures) or, indeed, the June quarter 2004 (which will be available soon), first home owners on average will probably pay something less than the median value for all home purchases, I do not think anyone believes the figures that Premier Rann and Treasurer Foley have sought to convey that first home owners are spending only $170 000 on a first home, as we are situated here in June 2004.

I make two other points. The government has tried to portray the tax relief in this budget as $360 million over four years; or $360 million is the tax package relief that it has talked about. The first point to make is that $180 million of that tax relief was signed off by the former Liberal government in 1999-2000 as part of the original GST tax package deal. That was the removal of bank debits tax in June 2005. So $180 million of the $360 million tax relief was signed off by the former government, which means that the other $180 million can be owned by this government.

It is over a four-year period, and in the first year approximately $40 million in relief has been provided when one looks at stamp duty, payroll tax and other heads of relief that have been provided. If one looks at the fact that next year alone an extra $60 million will be collected just in land tax, one can see the paucity of the offering that has been provided by this government; that is, $40 million in tax relief right across the board for first home owners, businesses and others for 2004-05, yet in one area alone the government will collect an extra $60 million in land tax receipts because it has refused to respond to the lobby from the land tax reform coalition and others to provide relief in that particular area.

The third area of relief is in relation to payroll tax. The Liberal Party's concern in this area has been that the former government when it provided payroll tax relief did so in two areas. It reduced the rate of payroll tax, which is paid by a small number of medium and larger businesses, but, at the same time, the former government did not lose sight of the fact that most small businesses do not pay payroll tax. Therefore, it increased the threshold from approximately $450 000 to just over $500 000. I think one of the criticisms that people have been making of this government is that, in terms of its approach to business, it is big business and corporate led.

I have been critical of the structure of the Economic Development Board (and the people on it, significantly), and I recently criticised the minister and his attitudes and policies to small business through the removal of the small business advocate, the removal of the small business services area and the closure of a number of those services. Those things are indicative of a government that has lost touch—if it ever was

in touch—with small business and is more in tune and is being driven by the policies that support big and medium sized businesses in South Australia. What we see in the payroll tax area is that the rate of tax has been reduced—which supports the big and medium sized businesses—but the threshold has not been increased as part of the relief package.

We have concerns about a number of those areas, such as land tax, property conveyances and payroll tax. If we were introducing a budget, it would be different in a number of those areas. There is government waste, which we see from ministers and departments right across the board under this government. For example, the Sturt Street school—only a $2 million project—has blown out now by 200 per cent. It is over $6 million and still rising, and that is just one example of the government waste and lack of attention in terms of fiscal restraint in managing government expenditure right across the board.

We think we should be able to do all of that as a state, still achieve balanced budgets and be on track for AAA credit ratings. The opposition position is, as I indicated at the outset, that we will not oppose the legislation as it goes through the parliament, indicative of our general approach on budget matters that the government is entitled, even with its deficiencies, to have its budget package passed through the parliament. We welcome the modest relief provided in terms of pay-roll tax and stamp duty, but it is not the budget that a Liberal government would have brought down in terms of the tax relief package. We certainly believe it could have and should have been much better targeted in terms of its relief, but we will not oppose the package in its passage through the parliament.

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

STATE PROCUREMENT BILL

Adjourned debate on second reading.

(Continued from 2 June. Page 1768.)

The Hon. IAN GILFILLAN: The Democrats support the second reading of the bill before us, which effectively changes the name of the State Supply Board by abolishing that board and creating the new state procurement board. The new board will perform essentially the same function as the old one, but it will require a number of new members to do it and also require an extra three members to perform the same role. We could be forgiven for suspecting that part of the reasoning behind the bill is the opportunity to provide nine people with a government board position. However, that is not our main interest in the bill. I also take this opportunity to describe a problem I suspect is occurring within state procurement in South Australia.

There is a well established principle in procurement organisations that it is not appropriate to specify the brand of an item being sought. The preference is always for functional specifications and not trade mark based specifications. For example, if a department needs a car, it is not acceptable to call for tenders on the purchase of a particular brand of car, whatever it may be—Alpha Romeo, Ford or whatever. It is for a particular qualification of car. Similarly, it is not okay to put out a tender for the supply of Parker pens, Palmolive dishwashing detergent or Nobby's nuts. The reasoning behind this is straightforward: the government needs a tool to do a specific job. Specifying the job that needs to be done allows competing suppliers to offer their product to fulfil a department's need. This reasoning is well documented and understood by all purchasing and procurement people in government, until we get to the purchase of computers and software.

My office had a very interesting conversation with American Micro Devices recently here in Adelaide. IT people generally want to buy the most bang for their buck and, as a result, when buying computers for themselves they often prefer to buy a computer that contains an AMD (American Micro Devices) central processor, but those same people always specify Intel computers when preparing tenders for the public sector.

It is important to realise that Intel is a brand of computer chip and not a class of computers, and it is not the only brand of computer chip that can do the job. How can we purchase with an eye on the best value for money if we automatically exclude half the marketplace in the first line of the tender? This is similar to a subject quite close to a cause we are pushing as Democrats at the moment.

What happens when we put out tenders to buy computer software? Do we say 'fully functional office suite', which would be the appropriate phrase to use in such a request? No; the government says that it must be Microsoft Office. Do we say 'operating systems to run on PC architecture'? No; we say 'must be Microsoft Windows'. Do we ask for an email system capable of supporting thousands of messages a minute across a wide area network, which is the sort of normal, sensible tendering clause used? No; government procurement enterprises say 'must be Microsoft Outlook and Microsoft Exchange'. Like my earlier examples, it is bad practice to specify a brand of software rather than a function of that software. There are fully functional email systems out in the corporate world that deliver more quickly and require less expensive hardware in the computer rooms, and these systems are not even allowed to be considered in a government tender because they are not Microsoft.

This place opposed my bill earlier to mandate the consideration of open source alternatives to expensive proprietary software, and this government has repeatedly given assurances that purchasing guidelines or regulations will be changed to ensure that better, faster, cheaper alternatives are considered in IT contracts and purchases. From my previous observations it is quite clear that that is not being implemented with this virtual mandating by the government that Microsoft is the only option to be considered. I challenge the government: if it is serious in giving the assurances it has about opening up this field for fair and open tendering, it should make good on those assurances and take heed of what can be an appropriate way of getting efficient service at a lower cost for government services.

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

ADJOURNMENT

At 4.51 p.m. the council adjourned until Friday 25 June at 11 a.m.