

## LEGISLATIVE COUNCIL

Monday 20 September 2004

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

### PAPERS TABLED

The following papers were laid on the table:

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

Reports—

Upper South Est Dryland Salinity and Flood Management Act 2002—  
19 December 2002—30 March 2003  
1 April 2003—30 June 2003  
1 July 2003—30 September 2003  
1 January 2004—31 March 2004.

### RING CYCLE

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I lay on the table a copy of a ministerial statement relating to the *Ring* cycle made on 16 September in another place by the Hon. John Hill, Minister Assisting the Premier in the Arts.

## QUESTION TIME

### GOODS AND SERVICES TAX

**The Hon. R.I. LUCAS (Leader of the Opposition):** I seek leave to make an explanation before asking the Leader of the Government, representing the Treasurer, a question about the GST.

Leave granted.

**The Hon. R.I. LUCAS:** On Friday, the federal Treasurer (Hon. Peter Costello) issued a statement headed 'GST revenue windfall to the states and territories', in which he stated:

The states and territories are benefiting from a cumulative GST windfall of \$11.8 billion to 2007-08, which is more than triple the estimate at the inaugural meeting of the Ministerial Council for Commonwealth-State Financial Relations (MINCO) in March 2000.

The continued strength of the economy is delivering to the states and territories massive revenue windfalls from the GST.

With each successive update of the GST projections, the states and territories are receiving an ever increasing amount of revenue. These amounts have not been factored into their budgets and represent a straight-out financial bonus.

The release of the Final Budget Outcome and the Pre-Election Economic and Fiscal Outlook in recent days contains GST data that again confirm this trend.

My questions are:

1. Can the Treasurer confirm that in March 2000 the original estimate for South Australia as to the windfall GST, over entitlement under the previous arrangements, was a total of \$174 million for the years leading up to 2007-08 ?

2. Will the Treasurer confirm the most recent estimate in September this year of the windfall for South Australia from the GST over entitlement under the previous arrangements is no longer \$174 million but is now \$995 million?

3. Does the Treasurer concede therefore that this additional money—over \$800 million—can now and in future underpin additional significant commitments in the critical

areas of schools, hospitals and police funding in South Australia, funded by the GST deal?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** In relation to those statistics, I will refer them to the Treasurer and obtain a reply. However, I make the comment that I have seen reports in recent days from the federal Treasurer, Mr Costello, or other state leaders in relation to decisions taken by the federal Treasurer that apparently competition payments given to the states by the commonwealth have been arbitrarily halted by the commonwealth government. Certainly there has been a windfall in GST payments if one can believe the recent press. That windfall, of course, is paid for by Australian taxpayers and indicates that the Howard government is the highest taxing federal government by far in the history of this country. One needs to take that into consideration.

While the commonwealth may or may not give the states any GST windfall, one needs to be mindful about what the commonwealth does in relation to some of its other payments. Certainly some of those reports indicated that the Prime Minister and the Treasurer were arbitrarily cutting other grants to state governments. If one considers the revenue this state is getting from the commonwealth, we need to look at the full picture, but I will refer that to the Treasurer and bring back a reply.

**The Hon. R.I. LUCAS:** Given his response, does the Leader of the Government concede that the level of competition payments about which this state's Premier and other premiers have complained are significantly less than the level of GST surpluses described by the federal Treasurer in his press statement of Friday last week?

**The Hon. P. HOLLOWAY:** I am grateful for the question about competition payments because we had this ridiculous situation where the commonwealth government was penalising the state under the competition regime in the order of \$3 million as a result of an act of parliament this council put through in relation to chicken meat, which was to protect a handful of chicken growers in this state. I believe the \$3 million penalty related to something like several cents for every chicken sold in this state—an absolutely absurd, disproportionate penalty applied by the commonwealth government. The state was also being penalised \$3 million in relation to the barley single desk.

If the Leader of the Opposition wants to talk about the commonwealth's use of competition payments, they may in total be less than any proposed GST. They are very significant amounts to this state. Nevertheless, in the current budget year, never mind what may or may not happen some years hence, those penalties were something like \$17 million under competition payments, which is completely disproportionate, and other states have shared these penalties. They are a complete abuse by the commonwealth government of the competition system.

### PETROL SNIFFING

**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 petrol sniffing on the Anangu Pitjantjatjara lands.

Leave granted.

**The Hon. R.D. LAWSON:** I recently received a communication from somebody on the lands which, in part, read as follows:

. . . last Friday. . . following 'pay day' on Thursday last, and no doubt other Thursdays, many people head to Watinuma homeland to purchase petrol, and there was mayhem at Amata, Ernabella and other communities. Watinuma is about 15 minutes drive from Umuwa on the Amata road.

I interpose that this is, of course, in the Anangu Pitjantjatjara lands in the north-west of our state. The communication begins:

There is a (non-Aboriginal) couple running the store there, now called the 'Watinuma roadhouse' and it is open 7 days a week and sells petrol—only into tanks, however, not jerry cans—a very effective deterrent!

The author finishes that comment with an exclamation mark. I remind the council that the by-laws which apply on the Anangu Pitjantjatjara lands make it an offence to sell or supply petrol to a person on the lands if there are reasonable grounds for suspecting that the other person intends to use the petrol for the purpose of inhalation, or intends to sell or supply petrol for the purpose of inhalation. These provisions have been ineffective, as the Coroner reported in his inquest into petrol sniffing in September 2002. My questions to the minister are:

1. Is he aware of the fact that there are complaints that petrol is being purchased from the Watinuma roadhouse for the purpose of use by sniffers?

2. Does he agree that the practice of selling petrol which is delivered directly into vehicles but not into jerry cans is a very ineffective way of preventing petrol from getting into the hands of sniffers on the lands?

3. Will he investigate this latest report and bring back a report to the council?

4. Is he aware of the terms of the lease of the Watinuma roadhouse? I know that the minister has been there. I have actually been with the minister in his company on a visit to that store, and I am not sure that we received any complaints about it on that occasion. Are there any other steps that can be taken to ensure that this roadhouse is not used for the purpose of supplying petrol for sniffing?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I thank the honourable member for his questions and for his continuing interest in the very important subject of petrol sniffing on the lands. Petrol supply to the lands has been a vexed issue for some considerable time. Ways of restricting petrol use on the lands has been on people's minds for some time. All the government vehicles that go into the lands are supposed to be diesel, and I would hope that the government's policy sticks to that. It is very difficult to stop private individuals from driving on the lands using petrol engines, and it is the same for residents. Many of the residents drive old cars that predate leaded petrol. Some of them drive on super; I am not quite sure how many of those are still driving around. The supply of petrol for sniffing to young Aboriginal people in particular is a major issue. I agree with the honourable member that putting petrol into petrol tanks is not a secure way of making sure that petrol does not get used for sniffing, because that petrol can be removed from those petrol tanks and used for sniffing. I agree with the honourable member that petrol tanks do not supply the security required.

In relation to the Watinuma store, I have not had any complaints, and the honourable member is correct in that we did go to the Watinuma store. It was well-run and a good example of how to manage a store in a regional or remote area. I understand that it is having difficulties with its power usage and the cost of power in that particular area, but that

is being addressed in other ways. However, I have had no personal complaints about the management of the store itself or the way in which petrol is being distributed. I will make some inquiries in relation to the accusations that are made. The honourable member has not used any names—I would not want him to, because sometimes retribution is taken out against people if their names are used publicly in complaints against petrol and grog runners. I will certainly investigate the lease terms in relation to the store's leasing arrangements, because sometimes the lease terms can be used to build in some disciplines to cut back on opportunities and even prevent the chances for selling petrol into communities.

**The Hon. NICK XENOPHON:** I have a supplementary question. What actual steps has the government taken to address the findings of the Coroner's report into petrol sniffing deaths of September 2002 and when?

**The Hon. T.G. ROBERTS:** I think that I have addressed that question on other occasions. I can bring back a list of actions and activities that the government is involved in, and perhaps by way of a ministerial statement I can supply to the council those steps that are being taken to address the recommendations of the Coroner's inquest into the recent spate of deaths and the number of deaths that have occurred on the lands over the past 20 years.

#### STATE FOOD PLAN

**The Hon. CAROLINE SCHAEFER:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade questions about the State Food Plan.

Leave granted.

**The Hon. CAROLINE SCHAEFER:** On Friday the new State Food Plan 2004-07 was launched and, as I stated on Thursday, the main objective is to deliver \$7.5 billion in exports by the food industry by 2013. One of the strategies for doing that is a five per cent per annum growth in the value of net interstate sales. Recently I had the pleasure of attending the Fine Foods exhibition in Melbourne. This is an exhibition pitched at retail and wholesale marketing interstate and intrastate. The state government has assisted in a joint venture with traders over a number of years for South Australia to have a very successful stand at that exhibition. As I said, I attended the recent one in Melbourne for a day, as did the Hon. Carmel Zollo and others. The minister also stated that he is a member of the Premier's Food Council. My questions to the minister are:

1. Is he still a member of the Premier's Food Council or has the new plan, in fact, written the Minister for Industry and Trade out of the Premier's Food Council?

2. Is the government now solely represented by the Minister for Agriculture, Food and Fisheries with the Premier simply presiding over the council meetings?

3. As the Minister for Industry and Trade, is he concerned that there is apparently no commitment by this government to assist with funding for a South Australian stand at next year's Fine Foods exhibition in Sydney?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** In relation to the first question, yes, I still am a member of the Premier's Food Council and, in relation to the second, no. In fact, as well as myself, there is the Hon. Rory McEwen as Minister for Agriculture, Food and Fisheries, the Hon. Carmel Zollo as the convener of the food group, and my colleague the Hon. Jane Lomax-Smith, the Minister for

Tourism, who has attended nearly every meeting of the food council and played a very important part in it.

That minister recognises the link between tourism and food industries, and I am very pleased that she does play such an active role on the Premier's Food Council. I do not think that the shadow minister need feel in any way that this government and its ministers are not completely supportive of the Food Plan which, of course, has been around for some years now. I know that the Hon. Caroline Schaefer played a significant role in the formation days of that plan and, as I have said on previous occasions, this government believed that it was a good plan of the previous government, and we support it fully.

Of course, we now have the new updated version of that plan as we need now to take it to its second stage. In relation to funding for next year, those sorts of issues are for the attention of my colleague the Minister for Agriculture, Food and Fisheries, and I will seek information from him. One thing that happened prior to the budget process (when I was the minister for agriculture, food and fisheries) was that there was a transfer from the old department of business, manufacturing and trade of the food group into agriculture, food and fisheries. The primary industries and resources portfolio now has responsibility for that Food Plan.

All those officers who were previously in two departments have been brought into that one department and the budget consolidated so that there is an even greater focus on the Food Plan. However, given that my colleague has responsibility for the budget, I will get that information from him and bring back a reply.

**The Hon. CAROLINE SCHAEFER:** As a supplementary question, since he became the Minister for Agriculture, Food and Fisheries how many of the Premier's Food Council meetings has the Hon. Rory McEwen attended?

**The Hon. P. HOLLOWAY:** Certainly, I can say that the minister attended Friday's meeting of the Premier's Food Council. Those meetings are held every three months. I do not believe that he attended the meeting prior to Friday's meeting because it was held very shortly after he had been made minister, and I think that he had some other engagements. However, I did attend that meeting. I can assure the honourable member that the Hon. Rory McEwen was at the Premier's Food Council meeting last week. I know that he takes a very active interest in the food portfolio as, indeed, do I and as do my colleagues the Minister for Tourism, the Premier and, of course, the Hon. Carmel Zollo.

## MINING EXPLORATION

**The Hon. CARMEL ZOLLO:** I seek leave to make a brief explanation before asking the Minister for Mineral Resources Development a question about mining exploration in South Australia.

Leave granted.

**The Hon. CARMEL ZOLLO:** Mining exploration forms one of the key targets in the State Strategic Plan. The government has set a target value of exploration expenditure of \$100 million by the year 2007. Earlier this year the government announced its plan for accelerating exploration. That plan involved expenditure of \$15 million over five years. Exploration is the key driver of mineral resources development. What steps is the government taking to facilitate exploration in South Australia?

**The Hon. P. HOLLOWAY (Minister for Mineral Resources Development):** The honourable member is entirely correct: exploration is the driver of mineral resources development in this state. I am happy to be able to tell the council that this government has done an enormous amount to facilitate that exploration. I am also pleased to be able to tell the council that today the Premier announced that we will be doing even more than what we have done in the past. First, at a packed-room conference the Premier announced today the formation of an expert group to advise the Premier on mining policy and to promote the prospectivity of the state.

The group will consist of the former CEO of Santos, Ross Adler; the Managing Director of Minotaur Resources, Derek Carter; the Chairman of the South Australian Economic Development Board, Robert Champiari de Crespigny; Aboriginal leader and head of the Lingieri Foundation, Pat Dodson; the Managing Director of Newmont Australia, John Dow; the former managing director of Rio Tinto (Australia), Ian Gould; the former CEO of Western Mining Corporation, Hugh Morgan; the former CEO of MIM, Nick Stump; the *Australian Financial Review* resources writer, Trevor Sykes (of course, a former South Australian); the Executive Chairman of Adelaide Resources, Keith Yates; John Roberts (ex-officio) of the South Australian Chamber of Mines and Energy; and the Chief Executive of the Department of Primary Industries and Resources, Jim Hallion.

This is obviously a formidable line-up, with further appointments likely in the near future. The experienced and influential members of this group will essentially act as ambassadors. Their job will be to accelerate investment in the state's resources sector by spreading the word about South Australia's under-valued prospectivity and improving performance in areas such as environmental management, governance and engagement with local and indigenous communities.

I previously told the council of the Fraser Institute survey and of the state's results in that survey. Out of approximately 57 countries in the world, South Australia was ranked No. 1 in the provision of geo-scientific data. It was ranked third for government policy settings but only 32nd in the perceived prospectivity of the state. It is critical that that latter perception (that is, the prospectivity of the state) is changed, and I believe that the government's expert group is uniquely placed to do that. It will also be able to tell the national and international mining community about the government's drilling partnership.

Applications recently closed for that drilling partnership, and I am happy to be able to tell the council that it was heavily oversubscribed. There was a great mix of proposals from major and junior explorers in most of the targeted areas, as well as other areas of the state. Some very interesting models were put forward and an announcement will be made very shortly on the successful bids. As a result of that success, the government has decided to increase its funding of the plan for accelerating exploration by \$7.5 million over five years. This is a 50 per cent increase in expenditure and reflects the success of the program.

While most of the money will be spent expanding and extending the drilling partnership program (some \$5 million), other money will be spent assisting with the ILUA (Indigenous Land Use Agreement) process (\$1.05 million), extending the geophysics program to maintain our No. 1 ranking in this area (\$900 000), and an extension of the ambassadors' program, which I have just mentioned (\$550 000). This is in line with the philosophy behind the package of removing

impediments to exploration and mining in South Australia. The plan for accelerating exploration is already the most comprehensive mining policy package ever introduced into Australia. It has already proved that it has been well received by the resources industry, and these announcements today build on that success.

It is interesting when one hears the anecdotal evidence and people saying, 'South Australia is leading the way again in this field'—and I am pleased that we are. I am sure that it will be a success, and there will be further good news down the track. I am confident that, as a result of the government's plan, we will see a significant lift in mining investment in South Australia. I am pleased—

**The Hon. A.J. Redford:** Are you sure that you're not overselling it?

**The Hon. P. HOLLOWAY:** How could you oversell putting approximately \$22 million over and above what the previous government did in terms of promoting exploration of this state and in announcing some of the people of the calibre I mentioned previously? These ambassadors will be talking to other mining companies throughout the world so that we can address this perception problem to assure people that not only do we provide support for exploration but we are already No. 1 in the world in terms of the pre-competitive geo-scientific data and No. 3 in terms of government policy, and that we are also a state that does have significant mineral prospects.

As a result of all these steps, I think it proves yet again that the Labor Party in this state is the party that has developed and implemented the cutting edge resource policies that have seen South Australia rise to No. 3 position for government policies in the Fraser Institute's survey—and I would be very disappointed if that rank does not increase further. This government has done everything it can to try to assist this very important part of our economy. I think it is interesting that some 30 years ago (in the 1970s), Western Australia was at the position we are now where its mining industry and agricultural industries were worth about the same amount of money. On this day, 30 years later, the mining industry in Western Australia contributes over \$1 billion to the state finances for schools and hospitals, and it is a significant value to that state. I am very pleased that, as a result of the continuing steps taken by this government, we are starting to move down the track where the mining industry will have a significantly greater impact on the welfare of all South Australians.

### COUNTRY FIRE SERVICE

**The Hon. IAN GILFILLAN:** I seek leave to make an explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Emergency Services, a question about CFS administration and radio communications.

Leave granted.

**The Hon. IAN GILFILLAN:** As we have passed out of winter and into spring, both seasons very propitious as far as the growing of plenty of kindling for the summer (which will be a fire prone season in South Australia), it is in this climate that there is continuing concern within the state's Country Fire Service that the government is failing adequately to support the volunteers who are striving to protect their local communities from fire. The Democrats had a stall at the Riverland Field Days last week, and we asked a series of questions on which we invited people to give their opinion.

One of those questions was whether they supported the continuation of an independent CFS board, to which 94 of the respondents said yes.

There is a move to lose the independence and individuality of the CFS board through new legislation to create a commission, and there is clearly a very deep concern in the rural community about this. Also, on 31 October this year the contract for the use of the VHF radio system expires. Even now, VHF equipment is being removed from CFS appliances. This is significant because, until now, the CFS has relied heavily on this system for communications to supplement the flawed government radio network (GRN).

I have been contacted by a number of CFS volunteers who are deeply concerned about this situation. They believe (with good cause) that unless the holes in the government radio network are fixed lives will be put in danger. Further, it has been suggested to me that the reason the government is preventing the CFS from continuing to use the VHF network is because the government does not want a radio network to compete with the GRN. On the basis of those dual concerns—one, the loss of individuality and the strength of the administration and the other, the lack of adequate radio cover—I ask the minister:

1. Does the minister agree that there are significant holes in the coverage of the government radio network throughout South Australia?

2. Will the minister extend the VHF contract to support the CFS in the coming fire season; if not, why not?

3. Will the minister guarantee that the CFS board will continue as an effective independent board controlling the CFS and that it will not be lost in a bureaucratic all-purpose commission?

**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.

**The Hon. J.F. STEFANI:** I ask a supplementary question. Will the minister also advise which areas are currently using the alternative method of communication in relation to the present arrangements?

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

### ROAD AND COMMUNITY SAFETY FUND

**The Hon. T.G. CAMERON:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Transport, questions regarding the Road and Community Safety Fund.

Leave granted.

**The Hon. T.G. CAMERON:** During the 2002 state election the Premier committed a Labor government to directing all speeding fine revenue into police and road safety. The ALP's web site currently states:

Labor will redirect all revenue raised from anti-speeding devices, including speed cameras and laser guns, into the Road and Community Safety Fund, which will allocate funding to road safety projects and policing.

The web site goes on to state:

Each year a Rann Labor Government will table a statement in Parliament providing a breakdown of how much is in the Fund, revenue sources and expenditure on road safety programs.

As far as I am aware, the information is buried within the budget papers under various headings and is not easily

available (if not impossible to get) as a separate document. My questions are:

1. Since the election of the government, how much has been raised in total under the Road and Community Safety Fund program?
2. Has any of this funding been redirected into general revenue and, if so, how much?
3. How much is currently held in the fund?
4. How much has been raised by each of the revenue sources, individually and year by year?
5. Which road safety and policing programs have benefited from the fund, and how much was spent on each?
6. Instead of burying the figures within the budget papers, will the minister commit to releasing a separate document each year clearly listing how much is in the fund, the revenue sources and the expenditure in respect of road safety and policing programs?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I will take those questions on notice and bring back a response from the Minister for Transport.

#### PREMIER'S ROUND TABLE ON SUSTAINABILITY

**The Hon. J.M.A. LENSINK:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about the Premier's Round Table on Sustainability.

Leave granted.

**The Hon. J.M.A. LENSINK:** Via a freedom of information request, I have obtained papers relating to the first four meetings of the Premier's Round Table on Sustainability held between 6 November 2003 and 27 April 2004. Prominent on each agenda of these meetings, which cover a period of almost six months, has been an item regarding the role and structure of the round table. My questions are:

1. Has the round table yet determined its role and structure?
2. If it is indeed still contemplating its role and structure, how much longer will it be before a decision is made?
3. Bearing in mind that the round table's budget for 2003-04 is \$200 000, when will these funds be used to fulfil the round table's purpose of providing advice on areas such as sustainable industry, population and responsible environmental management, rather than its own administrative affairs?

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

#### WHYALLA HIGH SCHOOL

**The Hon. T.J. STEPHENS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Education and Children's Services, a question about high school completion rates in Whyalla.

Leave granted.

**The Hon. T.J. STEPHENS:** Members of the council will recall that the Premier has made several commitments and commitments to education—even to the point of crowning himself the Education Premier. Last year, the government announced its Making the Connections policy, which targeted low high school retention rates and sought ways to lift them. I have been reliably informed that the high school retention

rate in Whyalla is about 27 per cent. This compares with completion rates for the rest of the state of approximately 66 per cent. My questions are:

1. What is the specific commitment to Whyalla in the government's Making the Connections policy to address this situation?
2. If there is no specific funding under this policy, will the minister commit to funding urgent special assistance to bring Whyalla up to the state average?

**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.

#### ATSIC

**The Hon. G.E. GAGO:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation a question about ATSIC.

Leave granted.

**The Hon. G.E. GAGO:** There has been much in the media about the commonwealth decision to abolish ATSIC. Given that the ATSIC regional councils will remain in place until mid 2005, my question is: will the minister inform the council of any initiatives put forward by the ATSIC regional councils?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I take this opportunity to inform members that the commonwealth government's decision to abolish ATSIC has been made without any consideration of what will replace it. I understand that that is being developed at the moment. Despite this, a mature approach has been adopted by ATSIC regional councils which has resulted in the completion of some outstanding development of future policies and strategic planning.

The leaders within the ATSIC regions throughout the state have acted responsibly by engaging the state to try to achieve the best outcomes for the people they represent, particularly in the metropolitan, remote and regional areas of the state. They have done their best at a state level to carry out their responsibilities, but without a national body to relate to in terms of profiling many of these issues nationally they are restricted to dealing with the states and the states dealing with their issues through the commonwealth government. That is a way to engage that we have developed over time and I suspect that, after the election is held, there will be some choice and reconfiguration of the challenges being set for negotiation in the future.

In Port Augusta on 2 September I launched the regional partnership plan 2004 and beyond entitled 'Our Future in our Hands'. It was developed by Nulla Wimila Kutju Regional Council. Alwyn McKenzie, the Nulla Wimila Kutju Regional Council chairperson, recognised a need for partnerships, and this is evident through the vision detailed in the regional plan. We are working with other regional CEOs of the now defunct ATSI/ATSIC structure, and we have built up a mature relationship where we hope to partnership other plans in the future.

The other ATSIC regional councils in South Australia, Harry Miller (the chairperson of Wangka Willurrara Regional Council) and Tauto Sansbury (the chairperson of Patpa Warra Yunti Regional Council) have been developing their regions' own visions, and I will be working with them in this vacuum or caretaker period to get the best returns for the regional council bodies at a state level. I hope that after the federal

election we will be able to engage at a national level in a mature way in respect of these regional council plans that have been drafted, drawn up and introduced at the moment.

### CHILD PROTECTION WORKERS

**The Hon. KATE REYNOLDS:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Families and Communities, a question regarding child protection workers.

Leave granted.

**The Hon. KATE REYNOLDS:** Earlier this year the minister announced that the government would be creating 186 new child protection positions. This point was again emphasised just last week in the Governor's speech. These positions were part of what the government claims is a \$210 million initiative to ensure that child protection services overcome systemic errors of the past. In an advertisement in the media on 16 June this year the minister said the positions were all new. However, my office has been informed that, whilst some of these 186 positions are new, others are created as a result of the restructuring of the Families and Communities Department.

In addition, I understand that many people who were working in the previous department (FAYS) applied for the advertised Children, Youth and Family Services positions and did not get an interview, yet these people were applying for promotional positions or positions similar to those they had held previously. I have also been told that applicants have won positions within the new department despite the fact that previously they had their contracts with FAYS either terminated or not renewed for either unacceptable behaviour or poor performance. Therefore, my questions to the minister are:

1. How many of the advertised 186 positions are actually new, that is, additional, to June 2004, and how many are as a result of the restructuring of the CYFS Department in July 2004?
2. Why are workers who have had their FAYS contracts terminated or not extended because of inappropriate behaviour or under performance now winning positions with the new department?
3. Either before or after the positions were advertised, were the standards of essential or desirable qualifications or experience required for employment by the CYFS Department lowered from what was previously required in order to fill these advertised positions?
4. How many of the positions have been filled and how many have commenced?

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

### YOUTH CRIME

**The Hon. A.L. EVANS:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Minister for Police, questions about youth crime.

Leave granted.

**The Hon. A.L. EVANS:** On 15 September the Minister for Police made a ministerial statement in regard to youth crime in the north-eastern suburbs. The minister informed the house that three separate operations were taking place in that

area: Operation Homer, Operation Golden Grove and Operation Impact. From the ministerial statement, the minister advised that 19 arrests, 13 reports, 79 vehicle defects, 191 traffic infringements and 33 cautions had resulted since the beginning of the implementation of Operation Homer on 8 April 2004.

The minister made a comment that the operation had reduced inappropriate activity by groups of offenders in the local area. I understand that other police officers were brought in to assist Operation Homer. My questions to the minister are:

1. How many additional officers have been redeployed since April to supplement the normal Modbury policing levels, and from what stations or duties were these police officers redeployed?
2. How long does the government expect these additional officers to assist these special operations in the north-eastern suburban areas?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I thank the honourable member for his questions. I will get a response from the Minister for Police and bring back a reply.

### ONE MILLION TREES PROJECT

**The Hon. D.W. RIDGWAY:** I seek leave to make a brief explanation before asking the Minister for Industry and Trade, representing the Premier, a question about the One Million Trees project.

Leave granted.

**The Hon. D.W. RIDGWAY:** Last week during the Lieutenant-Governor's opening address he mentioned that the one million trees program had recently reached its halfway point with the planting of the 500 000th tree, and that it will be expanded to achieve the planting of 3 million trees by 2014. I am reliably informed that, at present, the estimated cost of each tree is approximately \$10. My questions to the Premier are:

1. How much does the planting, ongoing maintenance and administration of the 500 000 trees cost?
2. What is the anticipated cost of the next 500 000 trees?
3. What is the anticipated total cost of the three million trees by 2014?
4. Will the NRM levy be used to fund the program?

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I am sure the council would be delighted with the success of this project and the fact that we have now planted another 500 000 trees in this city. I am sure the Premier will be absolutely delighted to answer those questions and to provide additional information about the great success of this program. I am sure that all of us would welcome the completion of this program and, of course, the fact that the new target will be three million trees, because it is quite clear that this state can certainly do with some major reforestation given the significant land clearing that was undertaken in the past.

### 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 about asbestos removal in Housing Trust properties.

Leave granted.

**The Hon. NICK XENOPHON:** On 24 and 25 June this year I asked a series of questions of the Minister for Housing (24 June) and the Minister for Administrative Services (25 June) via the Minister for Aboriginal Affairs and Reconciliation on asbestos removal practices in Housing Trust properties. At those times, I made extensive references to a June 2003 report prepared by McLaughlin Hodge Mitchell, entitled 'Review of management of asbestos related risks in the SA Housing Trust'.

The report made reference to the interrelationship between the Department of Administrative and Information Services and the South Australian Housing Trust. The report, which was not released until June 2004 following a freedom of information request by a journalist—and it was released via the journalist's story on Channel 7—was highly critical of the asbestos removal practices of the Housing Trust and the interrelationship between DAIS and the trust, with the finding:

Contractors are not always made aware of the trust's requirements of them in terms of health and safety.

It was also critical of the practice of ordering asbestos testing procedures and asbestos removal on one order. The report was also quite scathing in a number of other areas and made a series of recommendations in relation to improvement of asbestos practices to ensure that issues of public health and safety were dealt with. I asked the Minister for Housing at that time a series of questions, including why the June 2003 report was not released publicly as soon as practicable given the health and safety issues concerned. I also asked how many of the recommendations were carried out and when.

I further asked why the report was not referred to in an answer that I received from the Minister for Housing in relation to similar issues that I raised in respect of the Housing Trust in an answer given to me on 16 February 2004? The Minister for Administrative Services, on 22 July 2004, provided an answer to the effect that he understands that the document is an internal South Australian Housing Trust document and, as such, its public release is a matter for the Minister for Housing. He goes on to state:

I am advised that DAIS has received no request from SAHT to consider the document or its recommendations. Should such a request be received, DAIS will respond to any of the recommendations SAHT may wish to pursue.

My questions to the minister are:

1. Given the very serious matters raised in the independent report of June 2003 and the response from the Minister for Administrative Services, does this indicate a massive failure on the part of the department to deal with key issues of public safety with respect to asbestos removal?

2. Why has there not been communication or action with respect to the June 2003 report, which made a number of specific recommendations to deal with the issue of asbestos removal in South Australian Housing Trust properties?

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

**The Hon. J.F. STEFANI:** I have a supplementary question. Can the minister advise whether a program of asbestos removal has been implemented by the government? What period does the government predict for such a program to be completed?

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

### COOPERATIVE RESEARCH CENTRES

**The Hon. J.S.L. DAWKINS:** I seek leave to make a brief explanation before asking the Minister Assisting the Minister for Environment and Conservation questions about the cooperative research centre for coastal zone, estuary and waterway management.

Leave granted.

**The Hon. J.S.L. DAWKINS:** I recently received a letter from Mr Rob Fearon, CEO of the Queensland-based cooperative research centre for coastal zone, estuary and waterway management regarding various measures that have been undertaken by that organisation to encourage sustainable coastal development and effective coastal management strategies. The letter states:

The Australian community, primarily through the commonwealth government's CRC program, and by our partners, funds the coastal CRC. Our mission is to bridge the gaps between science and the community and between science, public policy and planning. Statutory agencies, marine industries, state and local government and universities contribute as partners and associates. Increasingly, individuals, organisations and the general community are sharing the benefits of our research, education and development activities.

One of the ways in which the coastal CRC's research has been helping to meet these challenges is through the implementation of high-tech maps which are used to assess coastal water habitat. The letter further states:

New technology for mapping shows coastal water habitat is being used to better manage coastal and marine environments. A toolkit of technologies for underwater mapping and habitat classification is providing cheaper, faster seabed resource assessment.

My questions are:

1. Is the minister aware of the establishment of the CRC for Coastal Zone Estuary and Waterway Management?

2. Given the vast area of coastline in South Australia, will the minister indicate whether the state government has considered that involvement by the state in the CRC would be beneficial and, if so, will the minister indicate which departments or agencies, if any, have considered using the technology tool kits for underwater mapping and habitat classification or any other CRC initiatives?

3. Has the government discussed possible involvement in the CRC with relevant local councils in South Australia, as well as catchment water management boards in organisations such as the Gawler River Flood Plain Authority?

**The Hon. T.G. ROBERTS (Minister for Aboriginal Affairs and Reconciliation):** I will refer those important questions, which have been thoroughly researched by a very diligent honourable member, to the minister in another place and bring back a reply.

### FISH WASTE

**The Hon. SANDRA KANCK:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Environment and Conservation, a question about fish waste at Port Lincoln.

Leave granted.

**The Hon. SANDRA KANCK:** Earlier this year, Feed Link, the processor of all fish waste in Port Lincoln (including that from the tuna industry) went out of business. At the

time this occurred the city's mayor, Mr Peter Davis, suggested that dumping the waste at sea was a suitable solution, given that the fish had originally come from the sea. I understand that some of the waste is being composted at a local quarry and that the rest is being frozen, apparently for disposal at some later time in some other place. My questions to the minister are:

1. How has the EPA responded to this situation?
2. How much of the fish waste has been used for composting?
3. How much has been frozen and for how much longer can this method be sustained?
4. Has any fish waste been dumped at sea and, if so, where, and what long-term solution is proposed?

**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.

### COMMUNITY CORRECTIONS

**The Hon. A.J. REDFORD:** I seek leave to make a brief explanation before asking the Minister for Correctional Services a question about community corrections.

Leave granted.

**The Hon. A.J. REDFORD:** And this is a well-informed question, following the line from the previous answer given by the minister. Members might recall that on 19 July I tabled a letter from the Deputy Chair of the Parole Board, Mr Philip Scales, in which he alleged that psychologists had been moved from Community Corrections to the new sex offender program—a fact not disclosed by the minister when he first announced the program. When I raised the issue, the minister criticised Mr Scales for raising the issue, described the Parole Board as 'a pressure group' and said that it should not have raised the matter in that fashion but should have raised it at another time without any publicity.

Also, after being pressed the minister confessed that 'one position was taken out of community corrections', and that we are now one position short in community corrections. I am now informed that the situation in Community Corrections is worse than I had previously informed this place. I am informed that resources in relation to social workers have deteriorated to the point where it is impossible for a newly-released prisoner (who is usually on parole) to get an appointment with a social worker for at least five to six weeks.

In other words, I understand that there is absolutely no supervision of prisoners released from gaol for at least five or six weeks. Further, I am informed that there are now no social workers at all in the southern suburbs. This is consistent with assertions that I made in my appropriation speech on 19 July in which I stated that it would appear that, on the figures, there has been a reduction in the corrections budget and not an increase—in other words, a \$7 million drop and not a \$15 million increase as asserted by the minister. In light of that, my questions are:

1. Is the minister aware that parolees are being made to wait five to six weeks for a first appointment with a social worker and, if so, does he agree that that is unacceptable?
2. Given that no-one challenged my figures in my appropriation speech, will the minister now acknowledge that there has been a reduction in resources made available to his department for its important responsibilities?

3. If there have been no cuts, can this appalling state of affairs in the southern suburbs regarding supervision of parolees and five to six week waits be put down to incompetence and mismanagement?

**The Hon. T.G. ROBERTS (Minister for Correctional Services):** Mental health is a difficult issue and we are trying to deal with it as best we can in terms of the budgets that we are given in corrections, as well as working with the health department. Certainly, where Community Corrections are affected, we want to supply the best possible service to prisoners on parole or on orders that we possibly can. I am told that the position will be filled. I am not sure at what stage—whether the advertisements have been posted—but I am told that that position will be taken up. In relation to the other questions on the budget process and the figures that the honourable member mentions, I will try to obtain a clearer figure because sometimes the budget process complicates figures—

**The Hon. Ian Gilfillan:** You found that so, too, did you?

**The Hon. T.G. ROBERTS:** As minister I have found it very difficult sometimes to follow some of the—

**The Hon. A.J. Redford:** I refer you to page 2 027 of *Hansard* where I make the assertions, and say that I am not being corrected.

**The Hon. T.G. ROBERTS:** I will refer that section of the question to enable a fuller and more complete explanation to be given. In relation to the southern suburbs, I must pay tribute to the Community Corrections workers because of the number of prisoners under Community Corrections. I will follow that up. I would be surprised if prisoners were not being serviced by Community Corrections and I will obtain a report for the honourable member and give him a reply.

### SEWERAGE RATES

**The Hon. J.F. STEFANI:** I seek leave to make a brief explanation before asking the Minister for Aboriginal Affairs and Reconciliation, representing the Minister for Administrative Services, a question about sewerage rates.

Leave granted.

**The Hon. J.F. STEFANI:** On 24 February 2004, I asked some questions in relation to the increases in taxes and charges imposed by the Rann Labor government on the South Australian community. In the response, which I received on 1 July 2004, the minister advised me that the breakdown of sewerage charges levied and collected on all properties were as follows: year ending 2001-02, \$208.2 million; and 2002-03, \$219.7 million. The minister also advised me that the estimate of the revenue to be collected from all properties for the provision of sewerage services for the year 2003-04 would be \$231.7 million. Now that the financial year has passed my questions are:

1. Will the minister provide an accurate figure for the amount collected for the provision of sewerage services for the year 2003-04?
2. Will the minister confirm that the revenue generated by the provision of these services is in excess of the CPI and therefore is in breach of the Labor Party's promise not to increase taxes?

**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.



**MID NORTH REGIONAL DEVELOPMENT BOARD**

**The Hon. P. HOLLOWAY (Minister for Industry and Trade):** I table a ministerial statement on the Mid North Regional Development Board made by the Minister for Regional Development in another place today.

**ADDRESS IN REPLY**

Adjourned debate on motion for adoption.  
(Continued from 16 September. Page 84.)

**The Hon. CARMEL ZOLLO:** I thank His Excellency the Lieutenant-Governor for the opening address of the fourth session of the 50th parliament. I would also like to place on the record my appreciation for Her Excellency's commitment to the people of South Australia. Her Excellency Marjorie Jackson-Nelson is one of the most respected and much loved governors that this state has ever appointed. She works tirelessly for all good causes besides undertaking her many regal duties on behalf of the people of South Australia.

I join with other members in expressing my condolences to the families and friends of former members who passed away during the last parliamentary session. Earlier this year we also lost the friendship and services of one of our messengers, Sean Johnson—an all too early death. We all have fond memories of Sean, and we miss him.

I would also like to mention a happy event. I know I will be joined by all members in welcoming the birth of Lily Mae Zada-Schwarz, daughter of our Clerk Assistant, Chris Schwarz and his wife, Jodi, and a sister for Conor.

Before making some comments on His Excellency's speech, I think it would be proper to mention some of the dramatic events which have taken place during the winter break. First, we saw the Olympics returning home to where it all began: the country of Greece. The world witnessed a fabulous, dramatic and unsurpassed spectacle at the opening of the games, all of this following the winning by Greece for the first time ever of the European Champion Soccer Cup. To borrow an old adage from mythology: the gods certainly have been smiling on the Greeks this year.

**The Hon. Nick Xenophon:** Hear, hear!

**The Hon. CARMEL ZOLLO:** Hear, hear says the Hon. Nick Xenophon. Having been fortunate to visit Athens last December with the Attorney-General in another place (albeit only for a couple of days), I was certainly one of the many critics who were somewhat sceptical about Greece's readiness for the Olympics.

**The Hon. Nick Xenophon:** Shame on you.

**The Hon. CARMEL ZOLLO:** Yes, shame on me, absolutely. I am pleased to be proven wrong. I understand that it is not unusual for things to be left to the last minute.

**The Hon. Nick Xenophon:** You should know that by now.

**The Hon. CARMEL ZOLLO:** Yes, I should have known that. I believe we saw the best yet opening of any Olympics. It was a well-run event, and it did the Greek nation proud. The Hellenic diaspora throughout the world and particularly in Australia and South Australia are very proud of their heritage and the success of the games, and rightly so.

I congratulate all members of our Australian Olympic team for the many gold medals that were brought back to Australia. For a country with a population of just 20 million, our success is testament to our culture of excellence in sport and the importance that is placed on having a go and being part of a team. Our tally was 49 medals (our highest ever): 17 gold, 16 silver and 16 bronze. I understand that of the 37 athletes associated with South Australia who participated in Greece 13 medallists brought home 14 medals: four gold, seven silver and three bronze. It was only right and fitting that we celebrated the participation of all our Olympians with the street parade and reception that we had at the Town Hall. I also congratulate our paralympians who are participating right now in Athens. In particular, I congratulate South Australian cyclist, Kieran Modra, who last night won Australia's first gold medal at these games.

**The Hon. Nick Xenophon:** In record time.

**The Hon. CARMEL ZOLLO:** In record time, I'm told. Two other events that I believe I should mention are the horrendous tragedies in Beslan in Chechnya and Jakarta in Indonesia. The all too frequent boundless cruelty of humanity against its own is a sad testament to our race. Whether such terrorism is based on race, religion or for territory, history just keeps repeating itself.

Terrorism is now a global threat and is indiscriminate against all who happen to be in the wrong place at the wrong time. I am certain that one of the major reasons it has become more of a global threat is our advances in communication: each terrorist attack has the desired impact virtually instantaneously. We can all witness each gruesome detail of this new dark age of terrorism in living colour in almost every home around the world. In this nation, terrorism is condemned by everyone right across the political spectrum, and those who seek even to hint at justifying it with the politics of grievance are not a part of our Australian way of life. In particular, it was sad to see those Indonesians killed or injured in Jakarta who were doing their duty guarding the Australian Embassy and its staff. I am pleased to read that their sacrifice will not be forgotten.

I listened with some interest to the contributions of members opposite, and I must admit that I have never heard such sorry laments. I think it is important to place on record my concern that, as a member from a diverse cultural background in this place (like the Hon. Michelle Lensink), playing the ethnic card on land tax issues is somewhat ludicrous. Many people from a diverse cultural background own property in addition to their principal place of residence, as do many people who are not from a diverse cultural background, just as many from such a background own cars, as do those from a non-diverse cultural background. If there is a point in raising one's ethnicity, it is totally lost on me, and it all sounds a bit patronising. Large investors and mum and dad investors, such as me, come from all walks of life and background—even without checking, it may indeed be the commonality most of us share in this place. For the record, this government has not raised the rate in the dollar payable in land tax since it came to government.

*The Hon. J.M.A. Lensink interjecting:*

**The Hon. CARMEL ZOLLO:** It has not raised it, and that is a fact.

**The Hon. R.D. Lawson:** You bank the money, though.

**The Hon. CARMEL ZOLLO:** That is an interesting comment. Since this government came to power, half a billion dollars has been put into the human services portfolio. Perhaps the honourable member should remember that.

In response to the growth in property value in the current buoyant market, as part of the 2004-05 budget this government introduced an option for taxpayers to pay their land tax assessment via four consecutive equal monthly instalments, with a credit card option of up to \$2 000 per transaction. The instalment process with a credit card option will allow account payments up to the value of \$8 000 via these facilities.

*The Hon. J.M.A. Lensink interjecting:*

**The Hon. CARMEL ZOLLO:** That is a fair bit of money. The honourable member must have a massive portfolio worth quite a few million dollars. Whilst none of us really enjoys paying tax, in most situations the amount of land tax paid is used to offset one's income as a legitimate means of earning that income; that is, the rent from that property. Nonetheless, I am aware that Revenue SA has had complaints from some property owners who have been sent accounts incorrectly. Revenue SA issues accounts based on information supplied to it via the office of the Valuer-General, as well as relying on the property owner for accurate information to ensure accurate billing. Revenue SA will issue refunds for incorrect payments usually within four to six weeks.

Of course, the other most important event that has transpired since we last sat is the calling of the federal election. As a government politician, I join my colleagues in hoping to see the election of a Latham Labor government, which will be a generational and directional change for the better. A Latham Labor government will seek greater taxation relief for those in our society who are most in need of such assistance—the vast majority of people on lower incomes. No amount of fiddling and distortion of our figures by Treasurer Costello will undermine the fairness of our policy. As Mark Latham has now reiterated on many occasions, Labor's tax and family policy is designed to take the financial pressure off Australian families.

It is a policy to ease the squeeze on middle Australia. Families are very important to the Labor Party, so we will ensure that middle Australia has a government that is on its side, a government that understands the real life circumstances of families, the financial pressures and challenges that are faced on a day-to-day basis, to provide a life of dignity and opportunity for all. The last Howard federal budget saw many people miss out on any tax relief. So, it is important to see the values of hard work and incentive being restored to the tax and family systems under which so many Australian families are now struggling. It is the Labor Party that has not forgotten about these people.

The working tax bonus that has been announced will provide relief to taxpayers earning up to \$52 000 per annum—the vast majority of Australians. This is the sort of tax relief the Howard government said could not be provided. Labor will provide tax relief to all taxpayers who missed out on federal budget night—the PAYE taxpayers, the self-funded retirees and part pensioners. I know that I had many complaints about the cut-off point being far too high in terms of the tax relief provided by the Howard government in its last budget. The full \$8 per week working tax benefit will be available to taxpayers on \$30 000, \$40 000 and \$50 000 a year—the PAYE taxpayers, the hard working people, the middle Australians absolutely forgotten by the Howard government. In order to make our tax system more internationally competitive, a Labor government will be stepping up the threshold for the top marginal tax rate from \$80 000 to \$85 000 in 2006-07 and, of course, the other income tax cuts

in the May budget will be paid in full by a future Labor government.

So, the tax policy of a Latham government is all about fairness. It is about tax relief for all Australian families. It is all about welfare to work incentives for low income Australians. I am sure that all fair minded members would agree that this policy provides significant tax relief for the great band of middle Australians—those earning \$25 000 to \$85 000 a year—and national economic benefits that come from a more internationally competitive tax system. As part of the announced tax cuts, a Labor government will also deliver superannuation tax cuts for all working Australians, reducing the contribution tax from 15 per cent to 13 per cent. The Labor way is a tax cut for all those building up a retirement income by reducing taxes, fees and charges. We want Australians to get the full benefit of their superannuation.

The reform of the family payment system will also take the pressure off Australian families. The new payment will ease the squeeze on middle Australia. Under Labor's tax plan and better family payment initiatives nine out of 10 Australian families currently receiving family payments will be better off on a weekly basis. They will not have debt under a Labor government like they do now, through no fault of their own, with 800 000 children growing up in jobless households. A future Labor government has also committed to a total of \$289 million in child care, training and TAFE places to help jobless families find work. A Latham government is determined to write a new life story for the 800 000 children growing up in jobless households.

Labor has announced a \$248 million families in work package, the largest capacity and opportunity building program ever offered to jobless families. It will offer up to 80 000 child care training and TAFE places. We will see a five fold increase in welfare to work assistance for jobless families. Compared with the Howard government's system, a future Labor government would offer a significant cash bonus for families returning to work. The commitment to families is across all areas. Policies have been released which will see families seeing better access to education, affordable health care and a balance in work and family duties. I could continue at some length reiterating the future Labor government's opportunity for all, but I thought it important to at least place on record the central plank of the Labor government's commitment.

In the past three years we have seen the highest taxing and highest spending government in our history, and we have seen the use of the budget surplus for irresponsible election bribes. Labor is determined to address the poverty traps created by Mr Howard's irresponsible and illusory pre-election bribes. So far, this election has seen a marked increase in the usual scare tactics and untruths one expects from a conservative government desperate to hang on to power: talk of trust and economic management and scare tactics about rising interest rates. He is a Prime Minister who knows full well he will not see his time out, but he has to use language that absolves him of blatantly lying about his tenure.

*The Hon. J.M.A. Lensink interjecting:*

**The Hon. CARMEL ZOLLO:** You should ask Costello; go and have a chat to him. Some in the Liberal Party are a bit more liberal and truthful with their language when it comes to describing their Prime Minister's behaviour. We have seen a menagerie of animal names join the election language, in particular, that of 'lying rodent'.

We all know that Phillip Adams has never been a fan of Prime Minister Howard, and he is not holding back in this election campaign. I noticed that in last weekend's *Weekend Australian* magazine he described Prime Minister Howard as 'the most divisive, devious and dangerous of all the prime ministers this nation has ever known'. I suspect the Howard government's scare tactics and distortions will get only more desperate as the election date draws closer. I hope that, on this occasion, the South Australian constituency will see fit to elect a government that does stand for great opportunity for all Australians.

Our state has seen sound economic management and growth over the past few years under the Rann government. Recent ABS figures tell us that there is a high level of business and consumer confidence in South Australia. It is not an easy task having to deal with the mess left to this government by the previous Liberal administration in relation to the privatisation of our power utility. We are doing all we can to provide relief for our pensioners.

His Excellency the Lieutenant-Governor made mention of the Food Centre and the initiative to accelerate the growth of the food sector in regional South Australia. Food industry development officers will be employed to provide services and develop capabilities at a local level that will underpin long-term, sustainable growth in the food industry. The strategy is part of the State Food Plan, which was released last Friday by the Premier. I was pleased to see the support of the Hon. Caroline Schaefer, who was there to represent the opposition.

Our State Food Plan has been synonymous with the Executive Director of Food SA, Dr Susan Nelle, who will be leaving her position at the end of this week. I would like to place on record my appreciation of her commitment to the plan, Food SA and the food industry in general in this state, and her support to me in my role as convener. I extend my very best wishes to her in all her future endeavours and in, as she says, the next stage of her journey in life. As convener of the Premier's Food Council, it would be remiss of me not to talk a little about our food industry.

Two weeks ago I was pleased to introduce the Premier at the launch of Taste South Australia at the Royal Adelaide Show. PIRSA, the Royal Agricultural Show Society and Food SA joined forces to showcase the very best food, wine and beverages which our state has to offer. The scale and quality of taste in South Australia has grown enormously since the Premier opened the first exhibition at the show in 2002. Reflecting our state's increasingly sophisticated and competitive food industry, this event keeps getting bigger and better.

Five regions were involved in exhibiting their produce and services at Taste South Australia, with more than 50 producers represented. Whilst there was a huge variety of produce, the main theme of this year's event was aquaculture, which included a live seafood display in tanks. This year also saw the inclusion of the best chefs in the country giving practical tips on how to prepare meals using the ingredients being exhibited. Two cooking demonstrations were on every day of the show. Norman Thanakamonnun, head chef and owner of The Blanc on Hutt Street, and Matthew Harvey from Coorong Angus Beef also showed a new product with the intriguing name of 'beef bacon'.

As the Premier pointed out, the Taste South Australia event is part of the bigger and very positive story about a local food and beverage industry that is becoming more creative with its products and more savvy in the way it

markets and exports them worldwide. As members will know, the food sector makes a huge contribution to this state. It creates wealth, jobs and opportunity. It is a crucial part of other important industries—tourism, for example. Our tourism pitch is centred on the concepts of rejuvenation, relaxation and reawakening the senses and, as mentioned by His Excellency in his speech, particularly in regional and rural communities. Taste, of course, is one of the most evocative and enjoyable of the senses. Spreading the word about our food and wine and how they complement our lovely landscapes and vibrant arts scene is critical to this state's future prosperity. It is all about creating a lifestyle experience for our tourist visitors.

South Australia has already achieved a great deal under the State Food Plan. As mentioned, last Friday the Premier launched the second stage of that plan for 2004-07. I hope to get the opportunity to talk about the plan at another time but, as the Premier said, it is a plan that maps out the next stage of the journey towards the sustained international competitiveness of our food industry. As outlined by the Lieutenant-Governor, this government's policy framework is the State Strategic Plan, and within it this government has set some ambitious targets for the food sector.

*The Hon. J.M.A. Lensink interjecting:*

**The Hon. CARMEL ZOLLO:** You need to set targets. In particular, we are aiming to make the food industry a \$7.5 billion business annually by 2013, even though we always have our detractors like the Hon. Michelle Lensink. The wine industry has set itself the goal of generating \$3 billion a year for the state by 2010. Industry and government are working together on a long-term strategic plan. Of course, the government and industry need to work together in order to achieve our common aims.

The South Australian government has been working closely with the wine industry to develop a partnering strategy to ensure that we have all we need to continue to grow the wine industry in all its facets. This strategy will build on the wine industry's own strategic plan; however, the point of difference is that this strategic plan will be the South Australian government's response to assisting the wine industry to meet its objectives through an industry and government partnership. The strategy that is being worked on will address some of the key issues such as access to land and water, but it will also address other aspects essential to continued growth such as skills development, infrastructure and having a business environment that will make South Australia an even more attractive place to do business.

I know that all members have welcomed Treasurer Foley's recent announcement in relation to continuing state cellar door subsidies. As members would be aware, the federal budget saw an arrangement beginning on 1 October that will mean that wineries will be able to access a minimum WET rebate of up to \$290 000 each year or the equivalent of \$1 million of sales. As the Treasurer pointed out, whilst this benefited smaller wineries, it had the potential to disadvantage larger wineries.

The commonwealth's attempt to simplify arrangements has meant that some of our large winemakers would be worse off. Following representation from the Winemakers Federation of Australia and discussions at the Premier's South Australian Wine Industry Council, the Treasurer announced last week that this government will ensure that wineries with cellar door sales above \$1 million per year will continue to receive a 15 per cent cellar door subsidy. Small wine producers with annual total domestic wine sales under

\$1 million will now benefit from the commonwealth's WET rebate arrangements up to a maximum of \$290 000.

However, larger wine producers will receive a WET rebate of \$290 000 on the first \$1 million of annual total domestic wine sales, and all cellar door wine sales for that consolidated entity will continue to attract a 15 per cent state cellar door subsidy. The food and wine sectors will play a vital role in South Australia's achieving its overall export target, that is, to treble the annual value of our overseas sales to \$25 billion by 2013. I know that we would all join in agreeing with the Premier that the state's entire food sector is benefiting enormously from our enviable 'clean and green' status.

Indeed, we are synonymous with quality and freshness and we are competitive. The Lieutenant-Governor outlined initiatives across all sectors of government to ensure sustained economic growth, with all South Australians sharing in the benefits through more and better job opportunities and accessible high-quality services. I look forward to this new session as we will see some important pieces of legislation to deliver those initiatives.

**The Hon. J.S.L. DAWKINS:** In rising to support the motion for the adoption of the Address in Reply, I add my thanks to His Excellency Bruno Kruminis AM, the Lieutenant-Governor, for his speech opening the Fourth Session of the Fiftieth Parliament. It is appropriate to thank Mr Kruminis for the excellent role that he plays in support of the Governor, Her Excellency Marjorie Jackson-Nelson, AC, CVO, MBE. I also place on the record today my appreciation for the manner in which the Governor undertakes her important duties around the state of South Australia.

Indeed, my gratitude is echoed by many South Australians from a range of backgrounds and locations who value the contribution of Her Excellency to the community. This is particularly apparent in relation to the Governor's Leadership Foundation (otherwise known as GLF) and Her Excellency's patronage of the Leadership Institute of South Australia. These organisations play a valuable role in the development of leaders within our community. Unlike other leadership programs that have a training focus, the GLF is consciously a development program focused on issues designed to broaden, enhance and accelerate leadership capability in South Australia.

In July this year, I was pleased to attend the launch of the Mayors Community Leadership Program as part of the Australian government's Playford-Salisbury Sustainable Region Program. The proponent is the Elizabeth campus of the Regency Institute of TAFE, while project partners are the City of Playford, the City of Salisbury and the GLF. The Mayors Community Leadership Program will empower and develop existing and emerging local leaders through upskilling and a broadening of their general knowledge of community and economic development. This will enable community leaders to take greater responsibility for and ownership of local solutions to local issues.

Importantly, community leaders will also learn how to become mentors and teachers themselves so that they can effectively pass on to others their knowledge, skills and experience. As someone who has had a long interest in the development of leaders, I was pleased to learn that the Playford-Salisbury Sustainable Region Program had committed more than \$260 000 to this project, while an additional \$101 000 has been contributed by the proponent and its partners both financially and in-kind.

The Mayors Community Leadership Program will initially be managed by a steering committee set up at the beginning of the project. Over the life of the project, this steering committee will evolve into a governance council which will be responsible for the health and effectiveness of the infrastructure supporting the leadership program. The governance council will also manage the integration of the Governor's Leadership Foundation Network Northern Clusters Mentoring Program and regional forums in the Mayors Community Leadership Program.

Sustainability of this project will result from processes that will reframe the use of existing resources and infrastructure in the north and bring together individuals to create collaboration. This process will result in the development of a strong and robust infrastructure to support the ongoing viability of the Mayors Community Leadership Program that is inherently resourced through the involvement of those who will govern it. Significantly the project has in principle support of local government, including local government mayors, the state government, business and the community. The project clearly demonstrates through these points of difference its long-term sustainability. In preparation for the sustainability of the project, the proponents have prepared a budget which includes forward budget predictions from the partners of between \$87 000 and \$125 000 in kind and cash. This budget extends beyond the life of the sustainable regions funding, and I commend the proponents and project partners for that.

In his speech, the Lieutenant-Governor referred to the building of communities. This project and a range of others funded by the federal Department of Transport and Regional Services, through the Sustainable Regional Program, go a long way to assisting the building of communities in their aims and hopes within the Playford-Salisbury region. The Playford-Salisbury region is one of eight regions participating in the program around the nation, and it has up to a total of \$12 million to invest in projects of regional significance. I have previously mentioned in this place the first five projects approved by the Deputy Prime Minister and Minister for Transport and Regional Services (Hon. John Anderson), following the recommendation of the Playford-Salisbury Sustainable Region Advisory Committee.

In addition to the community leaders' program, a further six projects have been funded this year. Firstly, the Adam's Creek-Edinburgh Park flood mitigation and stormwater reuse scheme. The proponent of that scheme is the City of Playford, and the project partners include the City of Salisbury, the South Australian Government Drainage Fund, the Northern Adelaide and Barossa Water Catchment Management Board and the Land Management Corporation. This project will manage the flow of water in the upper reaches of the Helps Road (Adam's Creek) area in an integrated manner, allowing for aquifer storage and recovery and control of flooding in the Playford-Salisbury area. Importantly, the project will facilitate the harvesting, storage and reuse of stormwater for public, community and industrial areas, and it will promote urban renewal and industrial development in the region.

In line with the national water initiative, the project will produce solid environmental outcomes effectively reducing the region's reliance on the Murray River. The project will result in a reduction of demand on the Murray by about 1 per cent of current use; sustainable management and harvesting of the water resource, about 40 per cent of average annual flow; irrigation of public areas fostering urban renewal of about 300 hectares; and protection against flooding for the national highway, regional centre, major railway lines, the

RAAF base and the major industrial development area. The next project is the Northern Innovation System Project. The proponent is the Salisbury Business Export Centre and the partners are the University of South Australia, the Water Industry Alliance, the Defence Teaming Centre Incorporated and the Electronics Industry Association.

The Northern Innovation System will build a 'soft infrastructure' in the region to support the birth of new value-adding and internationally competitive businesses and industries in the region. It will be a vehicle for industry development and renewal that will help to build a knowledge economy. The key purpose of the NIS will be to help existing enterprises in the region to develop a new technology base and value-adding products and services. It will do this by providing mechanisms to bring people together to improve technology transfer between research and development and industry, facilitating the commercialisation of these new products and services into export markets, and setting up collaborative networks that will draw on existing support services.

The next project I want to speak about is the Value Adding Adelaide Plains project. Its proponent is the City of Playford and the project partners are the Virginia Horticulture Centre and PIRSA. Building on the competitive regional advantages in the horticulture, viticulture and food related industries in the Virginia and Northern Adelaide Plains, the Value Adding Adelaide Plains project will guide enterprise development in the region to connect with and respond to changing consumer preference and international standards.

The project recognises that failure to transform horticulture and production methods will ultimately impede the ability for local producers to enter expanding domestic and international markets, prospectively resulting in a significant loss in regional competitive advantage. The project will result in a range of direct and indirect benefits for the region, including the identification and development of innovative food products, new business development and entrepreneurial activities, new technology and innovation (particularly in the area of best practice), and an increase in local producers' profitability.

The next project that has been funded under the Sustainable Region Program this year is known as the Northern Sound System. The proponent is again the City of Playford and the partners include the City of Salisbury, Regency TAFE, Fuse Festival and Conference, and the Youth Development Cafe. The Northern Sound System will generate a music centre with a dual campus program in Northern Adelaide that delivers both a community music centre with skills training and an interpretive centre of contemporary popular Australian music. Using music to develop skills training and employment pathways for local young people, the Northern Sound System will provide the local community with the resources to become involved in music and the arts, a licensed performance space for up to 500 people, and an opportunity for local residents and visitors to interact with Australia's popular musical heritage.

Funding is being sought for stages 1 and 2 of a prospective four state project. Stage 1 is the evaluation of the 'Cradle of Rock' and will involve an evaluation of viability and the level of support at a national level for the Cradle of Rock Museum concept and the preparation of museum concepts. Stage 2 of the Northern Sound System (Community Music and Performing Centre) Feasibility Study will involve the preparation of a feasibility study and preliminary facility planning for the broader Northern Sound System project.

The next project that I wish to mention is the Elizabeth West Industrial Precinct Advanced Technology and Computer Aided Design/Manufacturing Enhancement Program (CAD/CAM). The CAD/CAM project has as its proponent the City of Playford and its partners include: the Northern Adelaide Development Board, the Northern Adelaide Business Enterprise Centre, Product Lifecycle Management (Aust) Pty Ltd, Priority Engineering Services Pty Ltd, IPF Australia Pty Ltd, and Static Engineering Pty Ltd.

The CAD/CAM project will develop a regional CAD/CAM/CAE centre, where small business enterprises can gain access to high-end design software and ongoing technical support on a user pays system. The centre will enable northern Adelaide small and medium enterprises to access the world's best practice technology and subsequently fast track product design and development for local, national and international automotive and engineering related markets.

It is expected that the project will act as a catalyst for companies to increase their investment in sophisticated computer-aided manufacturing equipment in order to take full advantage of directly downloading design files generated by the software. Increased familiarity and expertise with the software will place members on the preferred supplier list with the major automotive assemblers. With the introduced support of PLM, members will be exposed and have access to new national and international business opportunities.

The last project in relation to the Australian government's sustainable region program funding on which I wish to speak today is the Northern Adelaide Health and Wellbeing project. The proponent is the University of South Australia, and the partners include the Swallowcliffe schools, the Northern Metropolitan Health Service, Muna Paendi (of which the minister at the table will be well aware), the City of Salisbury, SHine SA and Anglicare. Members will be pleased to learn that one of the people from the University of South Australia who attended that launch and who will have a role in this project is the Hon. Mike Elliott. He now plays a role with the university in that area.

This project will use the potential and capacity of health science students to assist in responding to identified community health needs in three communities of interest in the Playford and Salisbury areas, namely, Peachey Belt, Salisbury North and the indigenous communities within that area. Under the guidance and auspices of the University of South Australia, health students will be placed into a range of service provider facilities in the north to work and learn within the community's health system. Key project outcomes include: improving health and wellbeing service provision in the Salisbury and Playford areas; increasing university access and participation; and providing role models for young people in the north. This project will actively build on a recently developed memorandum of understanding involving the University of South Australia and a range of northern Adelaide service provider agencies.

I have not bothered the chamber with the individual funding figures for all those projects, but for the 12 projects announced so far \$4 344 844 has been contributed by the Playford Salisbury Sustainable Region program, with \$6 150 554 contributed by the various proponents and partners, in both cash and kind. I commend the work of the Playford Salisbury Sustainable Region Advisory Committee under the leadership of Chairman Peter Smith and Executive Officer Leanne Muffett. Other members of the committee are Kym Good, Ron Watts, Stephen Hains and Tim Jackson.

The Lieutenant-Governor's speech also referred to growing prosperity and the attainment of sustainability. Those references prompt me to advise the council of the excellent work being undertaken in these facets by the Barossa and Light Regional Development Board (BLD) and the Barossa Riverland Mid North Area Consultative Committee (BRMACC). There is little doubt about the economic activity associated with the wine industry in this state. However, the various wine regions need to consider a number of impacts on the growth of the industry. For that reason, I was pleased to become aware of the Wine Industry Impact Review released by the BLD in July this year. The executive summary of the report states:

Today, the Barossa is a major processing hub for the Australian wine industry. In the past few years, several major wine companies have consolidated their processing operations in the Barossa, establishing multimillion dollar crushing, fermenting, bottling, packaging and distribution centres.

Locally grown grapes and their processing into wine form a relatively small proportion (16 per cent) of total wine production in the region.

In 2001, 341 100 tonnes of grapes were crushed or processed in the Barossa, with just 55 920 tonnes of these grown locally. More than 156 000 tonnes of juice and 128 544 tonnes of grapes from other regions were brought into the Barossa for processing.

In 2011, it is projected that 601 600 tonnes of grapes will be crushed or processed in the Barossa, an increase of 76 per cent over 10 years. Locally grown grapes will account for 92 753 tonnes, while 508 847 tonnes of grapes and juice from other regions will be brought into the Barossa for processing.

This growth has enormous ramifications. Some of the challenges this growth raises are:

- residential and urban growth, as expansion will remove land from primary production and dramatically impact on visual amenity;
- resolution of conflicts between different types of road traffic;
- planning modern wine processing, storage, packaging and distribution facilities to minimise the impact on the environment;
- planning developments such as cellar doors, attractions, restaurants and hotels to cater for tourists, without detracting from the appeal of the Barossa's natural heritage;
- allocating land for future major industrial development away from sensitive landscapes, whilst providing opportunities for light industrial development;
- providing additional power to cater for residential and industrial growth with minimal impact on the scenic rural landscape;
- developing a comprehensive approach to waste water management in the region;
- improving the provision of telecommunications and access to information communications technology infrastructure in the region;
- and, finally, an assessment of the employment, education and training requirements of the wine industry and related industries.

This document identifies issues and recommends actions to be undertaken by nominated agencies or entities. BLD has an important coordination and support role to play in resolving these issues. The Barossa is facing the most dramatic change in its modern history. It is imperative that these changes be managed in a way that preserves its character and appeal to residents, tourists and industry. There is one chance to preserve the Barossa's heritage and natural amenity to prevent irreversible damage. It is to act now.

The report incorporates a range of recommendations and identifies the appropriate authorities, including local government, BLD itself and state government agencies, as well as private organisations, which need to collaborate to ensure their implementation. I commend BLD for the commissioning of this report. It is a good example of the valuable work carried out by regional development boards across the state. It is a pity that the RDBs and their peak body, RDSA, have not been provided with certainty about their future by this government. Already the RDBs have had to deal with four ministers since March 2002. None of these ministers has been able to provide the regional development sector with any vision for the future, particularly in light of the Economic

Development Board's recommendation that the number of RDBs be reduced to six. Much credit goes to RDSA for commissioning its own report into the future of the boards, with funding support from the regional organisation of councils (SAROC) and, belatedly, former minister Holloway.

It is also relevant at this point to mention the work of the Barossa/Riverland/Mid North Area Consultative Committee. This body is known as BRMACC and is part of the national network of area consultative committees across Australia funded by the Australian government through the Department of Transport and Regional Services regional partnerships program. Area consultative committees are a vital conduit between communities, business and government and are uniquely placed to respond to issues in their regions. BRMACC encourages local communities, business and industry in the achievement of their goals through assisting in the take up of funding for regional partnerships for local projects and other support services.

The BRMACC comprises the local government areas of Barossa Council, Light Regional Council, Berri Barmera Council, Renmark Paringa Council, Northern Areas Council, Clare and Gilbert Valley Council, Regional Council of Goyder, Mid Murray Council, Loxton Waikerie Council and Mallala District Council. Like other ACCs across Australia, BRMACC is a non-profit organisation funded by the Australian government. The BRMACC committee is made up of 13 local volunteers, each of whom is drawn from local communities, business and local government. Membership is voluntary and unpaid. BRMACC members bring to the community expertise and skills in a range of areas, including business, horticulture and viticulture, banking, human resource management, training and education, local government, broad acre agriculture and understanding of youth and indigenous issues.

To support the committee's vision and direction an executive officer and support staff are appointed to manage the function of the organisation and assist in the delivery of regional strategies. BRMACC members and staff work in close collaboration with other Australian government departments, the state government, regional development boards and local government, and in the development, support and delivery of regional initiatives.

BRMACC has developed a regional strategic plan for 2004 to 2007, which will be an important tool in assisting local communities, business and industry to continue to access funding through the regional partnerships program. Recent successful projects to gain funding include: the Berri golf course irrigation infrastructure project; Cadell—Looking Forward; Marketing the Adelaide Plains; and the Clare Recreation and Aquatic Centre. The plan has been developed in close consultation with other agencies and organisations and provides the local community, as well as state and local government, with a snapshot of the important regional issues for community and regional development. The vision of the plan is for a productive, progressive and competitive world-class region, providing quality of life and business and employment opportunities through the sustainable development of local communities.

In conclusion, I thank the Lieutenant-Governor for the manner in which he delivered the speech to open the fourth session of the fiftieth South Australian parliament.

**The Hon. R.D. LAWSON:** In supporting the Address in Reply I too express my gratitude to the Governor for the friendly and informal way in which she continues to serve the

community in her vice regal role. We as a community have cast Her Excellency the Governor in a difficult and most challenging role of which few people would understand the demands. I join with other members in commending Her Excellency for the excellent way in which she discharges her duties and also commend the Lieutenant-Governor, Mr Bruno Krumins, a distinguished South Australian citizen, for the way in which he is also discharging his important functions.

I felt some sorrow for the Lieutenant-Governor in delivering the Governor's speech at the opening of this session. The speech with which he was provided was a most uninspiring one. Of course, it was a speech of which he was not the author, but the government program lacked any vision and insight and failed, in my view, to provide any prescriptions for the future of this state. It was simply more and more of the same spin that we have come to expect from the Rann Labor government.

I also express regret for the passing of a number of distinguished former members, one of whom, the Hon. Des Corcoran, was a former premier of this state. I interpose that it is a pity that the parliament does not adopt a policy of having portraits of all our premiers painted. We in this place observe the great tradition of having portraits of presidents of the council painted—gladly, at their expense. In our hallway we are proud to have them, and I think it is a great pity that this parliament is not big enough to publicly fund the painting of portraits of those citizens who rise to become the first minister of our state. It is only with the passing of premiers like Des Corcoran that we realise that they go unremarked apart from an honour board outside the assembly. As a personal view, I would like to see an appropriate gallery of premiers here in Parliament House. With regret, I also note the sad passing of our messenger, Sean Johnson, before the opening.

It is appropriate in the Address in Reply to take stock of what has been happening in the state. Today I want to mention two particular areas. The first is the unfolding tragedy on the Pitjantjatjara lands which, regrettably, does this government no credit in the way in which it has handled this important issue. I also want to mention a few issues which have arisen during the past financial year in relation to our justice system and to highlight some of the posturing of this government and some of its hypocrisy in relation to justice issues.

In relation to the Pitjantjatjara lands, we will go back to March 2002 when the Rann government took office and the Hon. Terry Roberts was appointed Minister for Aboriginal Affairs and Reconciliation. When the minister took office there were three major issues on the lands. There was a long-running dispute between the AP executive and the Pitjantjatjara Council, the so-called Pit Council, and its then chair, Gary Lewis. The focus of this dispute was the decision of the AP executive, the statutory body and the duly elected body on the lands, to discontinue an arrangement under which the Pit Council had provided for substantial remuneration and legal and anthropological services to Anangu Pitjantjatjara. That was the first issue, which was a long-running dispute.

Then, there was the fact that the then AP executive, duly elected, had engaged a consultant, Mr Chris Marshall, with the support of ATSIC and with the support of state and federal governments. Mr Marshall advised on community development and governance issues and was engaged in quite a lengthy and detailed consultation process. Thirdly, there were issues of health, law and order and substance abuse, including petrol sniffing, and they were being addressed by

two consultative groups formed under the previous government.

The first was the Anangu Pitjantjatjara Lands Inter-governmental Interagency Collaborative Committee, commonly known as Tier 1. It comprised representatives of commonwealth and state governments and was charged with 'Working through the Anangu Pitjantjatjara to improve community capacity, to manage current and emergent issues'. That is quite a mouthful. The second was the petrol sniffing task force. This was a committee of state government officers which reported to Tier 1, and its key objective, clearly enough, was the identification of solutions to the petrol sniffing problems on the lands. In the months following the minister's appointment, the dispute with the Pit Council continued. Regrettably, the minister took the side of the Pit Council, and within weeks of his appointment the AP executive was expressing no confidence in the minister and calling for his resignation.

Rick Farley, former executive director of the National Farmers' Federation, was called in as a facilitator at a meeting between the minister and the AP executive. Here we see the start of the eminent person's solution which this government has slavishly followed over the ensuing months. When that process failed the minister appointed Michael Dodson, the former Aboriginal social justice commissioner, to mediate the dispute, where there was a cranking up of the eminence of the persons involved. Again, that mediation failed.

In August 2002, on a motion moved by the opposition, the Legislative Council appointed the Select Committee to Inquire Into and Report on the Pitjantjatjara Land Rights Act and Related Issues. Significantly, in September 2000 the Coroner published the findings of an inquest into the deaths of three Aboriginal men who had been chronic petrol sniffers. In a scathing report, the living conditions on the AP lands were described as 'a disgrace and shame to us all'. The report referred to petrol sniffing as 'endemic on the lands'. The Coroner said that substance abuse and similar self-destructive behaviour could not be divorced from the 'environment of poverty, hunger, illness, poor education, almost total unemployment, boredom and hopelessness'. Few people who visited the lands could seriously challenge the Coroner's confronting conclusion which stated:

That such conditions should exist among a group of people defined by race in the 21st century in a developed nation like Australia is a disgrace and a shame to us all.

The report criticised federal and state governments for taking far too long to act. It stated that the two consultative groups set up to examine the problems of petrol sniffing seemed stuck in the information gathering phase. I regret to say that, even now, two years later, we still seem to be in that phase. The Coroner considered that the time for information gathering was over, and he stated:

What is missing is prompt, forthright, properly planned, properly funded action.

That was his conclusion. The Coroner provided a blueprint for action. He recommended, amongst other things, the establishment on the lands of a secure detention facility, and detoxification and rehabilitation facilities, as well as a permanent police presence. The AP executive at that time expressed support for the recommendations and called upon commonwealth and state governments to support properly planned and properly funded programs to assist communities to eliminate petrol sniffing on the lands.

The first annual general meeting of the Anangu Pitjantjatjara after the new state government came into office was held in November 2002. I regret that it is necessary to go back to 2002, because the seeds of what we have seen over the past year were firmly planted at that time shortly after this government came to office. The election of Gary Lewis as the chairman of the AP at that annual general meeting in November 2002 was applauded by this minister; indeed, this minister had worked to secure Mr Lewis' election. The AP legal officer, Neil Bell, a former Labor member of the Northern Territory parliament, was present at the election. He complained to the South Australian Electoral Commissioner about aspects of the election, and he requested an investigation. Mr Bell alleged that the minister, who personally attended the AGM, had interfered in the process by expressing support for the group led by Gary Lewis and that Mr Lewis had verbally and aggressively put pressure on electors.

**The Hon. T.G. Roberts:** How do you know that?

**The Hon. R.D. LAWSON:** This is not from some Liberal staffer: this is from a former Labor member of the Northern Territory parliament. After the election of the new executive, the appointment of Chris Marshall was terminated—in my view, a tragedy. In his final report, Mr Marshall decried the fact that the new minister had taken the side of the Pit Council and thereby exacerbated divisions and fostered ongoing disputation. The minister has been a great supporter of the Pit Council. It is interesting to read Mr Marshall's remarks in his concluding report, as follows:

The sentimental belief that the demise of the Pit Council is a matter of great regret and sadness amongst Anangu is misplaced. It is many years since the Pit Council provided a genuine forum for Anangu unity, public debate and political action. It has, however, been used as the power base for the political objectives of one or two individuals with the active support of the minister responsible for the AP and with the vociferous support of a few of its staff.

In May 2003 the commonwealth and state governments announced that the APY lands had been selected for a Council of Australian Governments trial—a so-called COAG trial—for managing the delivery of services on a whole of government approach. At about the same time the new AP executive passed a resolution supporting an amendment of the Pitjantjatjara Land Rights Act to extend the term from one to three years. The act was not amended, in fact.

In July, a general meeting of Anangu Pitjantjatjara purported to endorse the executive decision to extend its term from one to three years, notwithstanding the fact that the legislation provided for a single year. In October the AP constitution, which is a document devised to regulate procedure, was amended to extend the terms. Warnings by the opposition in parliament and elsewhere that this extension was contrary to the legislation were not heeded. This minister connived at the activities of the AP executive in seeking to extend its term. At the ensuing annual general meeting, no election for office bearers occurred and the executive continued to hold office. Much of the ensuing tragedy that unfolded on the lands followed from that manoeuvre, and the root cause of it was the condign attitude and approach of the minister to the desire of his political colleagues in the AP executive to stay in the saddle. I commend the fact that in May 2003 the state budget allocated an additional \$1 million for improved health and well-being on the AP communities and \$250 000 for policing initiatives but, notwithstanding those additional allocations, evidence of any improved conditions is entirely absent.

When giving evidence to the parliamentary estimates committee at that time the Police Commissioner acknowledged that no police were permanently based on the lands. He announced a proposal to have four police officers stationed there soon. In July, Magistrate Gary Hiskey handed down a judgment in a case in which a resident of the AP lands pleaded guilty to five counts of possessing petrol. He was placed on a supervised bond, notwithstanding the absence of appropriate supervision on the lands. The magistrate was critical of the fact that the Coroner's recommendations had been ignored. His comments received some media coverage in Adelaide, but the minister brushed them aside by issuing a statement which disingenuously welcomed the magistrate's efforts to increase public awareness and spoke of new funding and culturally acceptable solutions; but not much was happening.

In October the University of South Australia's Policy Research Group, headed by Deidre Tedmanson, presented a report which was commissioned by the minister and which reviewed findings of the Coroner's inquest and strategies for community capacity building in the lands. For a supposedly academic report, this is uncharacteristically laudatory of the minister who commissioned it. He is commended for his proactive policy—

**The Hon. R.I. Lucas:** Who wrote this? Deidre Tedmanson?

**The Hon. R.D. LAWSON:** Yes; it is written by Deidre Tedmanson.

**The Hon. R.I. Lucas:** She's a Duncan leftie!

**The Hon. R.D. LAWSON:** Yes, she is a political ally of the minister. I do not think that there is any secret about—

**The Hon. R.I. Lucas:** They come from the same party.

**The Hon. R.D. LAWSON:** Not only from the same party but from the same faction. Also, this academic report surprisingly supported Gary Lewis's desire to be given a three-year term. The report is rich in the rhetoric of self-determination and capacity building; however, it does suggest a retreat from the Coroner's robust recommendations. Part of the report states:

... while there is agreement that there are a range of things which could be done and which could make a difference (more police, removal of offenders, drying-out facilities, more recreation services), there is no strong sense of agreement amongst the community about the best way to manage problems across the lands. For example, there is disagreement on whether adopting a zero tolerance approach and therefore enforcing removal/prosecution of offenders by an increased police force and by expulsion by and from the community to drying-out facilities is the best policy, or simply moves the problem/people on in times of space.

Here it is, the old displacement theory. The excuse for not providing any support is the fact that there is no unanimity or sense of agreement amongst people, and that if you move people from the lands to, for example, a drying-out or rehabilitation facility you will simply be moving the same problem to another place. It is the classic excuse for doing nothing. The authors of the report continue:

Indeed, there is no apparent agreement on the best location for a drying-out facility or recreation facility/programs. Some Anangu have suggested that it would be good if there were a youth policy which could establish a consensus of all the communities about the best way to deal with the issues and interventions around sniffing and youth services in general.

The authors generously offer themselves as a third party resource 'to assist in a new consultative planning process about developing a youth policy'. There is a lot of good material in the University of South Australia report but, in the



end, it is a retreat to old prescriptions, and the old excuses of not having consensus and agreement and not wanting to interfere with the notion of self-determination. On 12 March this year, Dr Bill Jonas, the ATSIIC Social Justice Commissioner, tabled in the federal parliament the Social Justice Report 2003. This report devoted an entire chapter (some 44 pages) to the subject. The title of the chapter is 'Responding to Petrol Sniffing on the Anangu Pitjantjatjara Lands—A Case Study'.

The chapter is generally critical of the slow progress. However, the report was couched in generally restrained language and did not attract much media attention in Adelaide. I have no doubt that it was closely read in the minister's office because, a few days before the release of that report, the minister had learnt that four young men living on the AP lands had taken their own lives in the first two weeks of March. As the minister himself later acknowledged to parliament, urgent high level meetings were held, and the police told the minister that a further eight young people had attempted suicide.

Moreover, it was known that the state Coroner was about to return to the lands and that, certainly, he would comment adversely on the government's tardiness in implementing the recommendations which he had made in September 2003. A political crisis was looming. The cloudburst came on 15 March with an exclusive item on page one of *The Advertiser* under the banner headline 'Disgrace—Funding to save Lives Tied up by Red Tape.' The article states:

An investigation by *The Advertiser* has found bureaucratic delays have blocked the delivery of funding to doctors and nurses battling petrol sniffing and drug addiction in the AP lands.

One can see in this exclusive story—apparently suddenly come about by *The Advertiser*—the seeds of a media strategy to lay the blame not on the government (where it properly lay) but on others. 'Bureaucratic delays have blocked the delivery' is what the journalist said. The editorial on that day states:

The state government must act immediately to ensure funds allocated. . . to combat petrol sniffing. . . reach appropriate health services. The failure of the government to ensure the money was paid and the programs implemented is disgraceful.

That was the headline appearing on page one of *The Advertiser* dated 15 March. Conveniently, cabinet met later that day and was able to comply with the editorial's request. The Deputy Premier (Hon. Kevin Foley) issued a media release entitled 'Government sends in top level task force to Aboriginal lands.' The flavour of the announcement is captured in the following extract:

A high level task force, headed by former South Australian assistant police commissioner Jim Litster, will be sent to the APY community in South Australia's north to sort out an escalating crisis that has resulted in tragedy and death.

Deputy Premier. . . Kevin Foley says he is deeply concerned about developments in the APY lands in the past fortnight, the vast majority of which appears to be related to petrol sniffing. . . . It is the opinion of cabinet that this crisis has simply gone beyond the capacity and control of the APY Council. . . Crown law has advised us that the APY Council may not be valid since last December and that it now has questionable authority to spend state government money on services and in areas where it is clearly needed.

In media interviews, which became the leading items on radio and television news bulletins that evening, the Deputy Premier described Mr Litster as 'administrator' of the lands—'We are sending in an administrator'.

The next day this topic appeared as the lead item on page one again, with the headline 'Self rule is finished'. In the

extensive coverage which followed, the Deputy Premier was quoted as saying:

This government has lost confidence in the ability of the executive of the AP lands to appropriately govern their lands. . . Self governance. . . has failed. This government. . . will not tolerate an executive that cannot deliver civil order, community services, social justice and quality of life in their community.

The next day, the story was still near the front of *The Advertiser* (on page two)—and I might say this indicated that this event was giving the APY lands in South Australia the greatest publicity it had had in all the 22 years since land rights were given. Page two had a picture of Gary Lewis and a report saying that he was 'angered' by the cabinet decision. He called for:

. . . all Aboriginal people, trade unions and the community to defend land rights, human rights and self-determination. We will not be pushed around. . . This is a sad day. This is a cynical action by a very conservative government.

It was certainly a cynical action by a cynical government, a government that was seeking to lay the blame firmly at the feet of people on the lands for the government's own failure. It was a media event engineered by the government to put it in the best light when it could see the headlight of the train about to run it over in the tunnel.

In a signal rebuff to this minister and his department, a group was set up in the Department of the Premier and Cabinet to administer funds and service to the lands. But then, shortly after (only a few days), on 22 March, the government had to announce the embarrassing news that the newly-appointed administrator, Jim Litster, had resigned from this post.

**The Hon. P. Holloway:** Why was that embarrassing?

**The Hon. R.D. LAWSON:** Highly embarrassing because the government, which had cobbled together a solution to a media crisis, had not done its homework, not properly briefed Mr Litster, given him a job which was simply beyond him. And I am not surprised that Mr Litster would say that he did not have the health to undertake the task. He had been sold a pup. He was the fall guy the government was going to use to take responsibility off the shoulders of the minister and the Premier. On 24 March, in this council, a motion of censure against the government was passed for its failure to provide a timely and adequate response to the recommendations of the Coroner and other matters. On 7 April, the government attempted to take the heat off itself by announcing the appointment of the former federal minister Hon. Bob Collins to coordinate the provision of state government services on the lands.

Given Mr Collins' high reputation, his credentials and experience, his appointment was greeted with acclaim by the media and the metropolitan public. It was not so popular with the AP executive on the lands; indeed, it was not popular at all. However, it was interesting on that occasion when the announcement was made—amongst much fanfare and, of course, in front of the television cameras—by the Premier with the minister standing sheepishly behind him and Bob Collins smiling alongside the Premier—not a black face was to be seen anywhere. Later in April, Bob Collins accompanied the Premier and a large media contingent on a day trip to the lands, and images of a tough-talking Premier were shown on television bulletins. The next day *The Advertiser* (and a nice photograph) quoted him as saying, 'I have heard a very powerful message here today about the fact that people are running grog, running drugs and running petrol.' Was that really news or was this just a photo opportunity?

I issued a media release saying that I hoped it was not simply a photo opportunity for the minister. It was not until some time later that we found out exactly what had happened to the municipal services officer at Pukatja (which many members will know as the former Ernabella). This is the largest settlement on the lands and Makinti is a respected member of the AP executive and the municipal services officers, the only indigenous municipal services officer on the lands. On 30 May, Makinti wrote to the Premier telling him what had happened and said:

When you visited the lands—  
'you' meaning the Premier—

at the end of April, we were looking forward to meeting you after we received a fax at the Pukatja Community Office telling us to expect you. I got Council members ready for a meeting with you and we had the kettle boiling for a cup of tea.

When you didn't arrive, I drove across the creek to see where you were and found you outside the TAFE building in front of the news cameras—

surprise, surprise!—

Unfortunately, I didn't see you again.

Such is the contempt with which this government treats the people on the lands, such is the way in which they patronise these people by saying that they are going there to listen to them and posing in front of the cameras.

*Members interjecting:*

**The ACTING PRESIDENT (Hon. J.S.L. Dawkins):**  
Order!

**The Hon. R.D. LAWSON:** On 23 April, Bob Collins did provide the government with an initial report and the following extracts from that report show that the Hon. Bob Collins had 'grasped the nettle'. He said:

There are fundamental structural problems in the current operations of the APY Land Council—

that is the body that the AP executive has now called itself—  
APY Land Council—

that are impeding the progress of important community initiatives to the great frustration of Anangu in the region. The COAG trial is completely stalled. . . [the] trial in SA is in the worst position of any COAG trial in Australia.

Members opposite say, 'What are you doing about it?' The COAG trial was introduced under this government. This minister went with federal ministers to the lands to announce the COAG trial. The COAG trial was under the control of this government, and it has completely stalled. Mr Collins continues:

This is completely unacceptable in view of the great need that exists in the region and must be redressed immediately. . . I am dismayed at what appears to be a profoundly dysfunctional situation in the most important Anangu organisation in the Lands. It is difficult to see how substantial progress can be made in achieving the desperately needed improvements on the outcomes for Anangu in the Lands in the existing environment. There is serious dispute among Anangu about the validity of the constitutional change that extended the term of office. . . from one to three years.

Mr Collins made a number of very sound recommendations, the principal one of which was that there be immediate legislation for an election of the AP executive no later than July of this year. Unfortunately, that date was not met, I suggest because of the tardiness of the government in bringing the legislation forward. Fortunately, there will be an election, albeit in October this year.

When the Collins report was tabled in parliament, it was applauded and endorsed by the Premier. Members will recall the frequent statement by the Premier: 'What Bob wants, Bob gets.' It is unfortunate that even what Bob was recommending

in his initial report he has not got. Regrettably, on 19 June Mr Collins was seriously injured in a motor vehicle accident and hospitalised, and it soon became obvious that he would be unable to continue to act as coordinator.

It is interesting that, notwithstanding Bob Collins' recommendation and the fact that the Premier said, 'What Bob wants, Bob gets', the AP executive formed a rearguard action aimed at preventing or delaying an election. Typical of the delaying tactics was a complaint which received coverage in *The Advertiser* and on ABC Radio about the proposal of the Electoral Commissioner to mark voters with ultraviolet ink to stop them voting more than once. A prominent church minister who is associated with the executive said:

. . . the ink mark had 'connotations of branding animals' and was similar to branding which occurred at refugee detention centres. It is offensive because it is not used anywhere else and it is a way of rushing through an election rather than treating people properly.

This balloon of moral outrage was pricked by a statement issued by Donald Fraser, a well-known resident on the lands and a former chair of the AP executive, when he described as a myth the allegation that people felt like cattle when ink markers were used. He said:

We have been holding elections on the. . . Lands since the beginning of the Land Rights Act over 20 years ago. Last year is the first year we missed out.

Last year, of course, was the year in which, aided by the connivance of this minister, there was no election. After pressure from the opposition about replacing Bob Collins as coordinator, the Premier announced on 25 August the appointment of Professor Lowitja O'Donoghue and the Reverend Tim Costello as special advisers. Precisely what role they are to perform is not clearly defined. These are high-profile, eminent people, but what Mike Rann and this government has done is gone for the 'eminent persons' solution. How can Professor O'Donoghue and Mr Costello (both of whom are extremely busy people and neither of whom live on the lands) take over the role that we were told was so vital that Bob Collins was performing as coordinator of state government services? That role has been abandoned, and now we have special advisers.

This is simply grandstanding by a government which uses this technique time and again. We see the Premier always applauding Robert Champion de Crespigny, a prominent industrialist in this state who is the head of the Economic Development Board, with the Premier hiding behind that board. When health was to be looked at, they got John Menadue, a prominent Australian, to do the job which the minister herself should have done. The 'eminent persons' solution is a PR spin job. I can only say that, if either Professor O'Donoghue or Mr Costello cannot continue, Nelson Mandela can expect a call from this Premier. He is simply climbing the ladder of eminent persons, and it is patronising to the people on the lands.

There is still not much happening on the lands. True it is that the government has appointed seven police officers to be stationed on the lands, but none of them resides there. No facilities have been planned for them. This government knew well before September 2002 that a police presence was needed, but no action has been taken. The police are being flown in on a fly in/fly out basis, which is not a satisfactory solution.

The petrol sniffing issue has not yet been appropriately addressed. The recommendations about rehabilitation facilities have become bogged down as have detention

facilities and correctional services programs. There is no action happening on the lands. I am not suggesting that petrol sniffing is the sole responsibility of this government—of course it is not. As one experienced worker on the lands told the Coroner, and this is in the Coroner's report:

Federal and State governments. . . have been aware of. . . [the petrol sniffing]. . . problem up here for. . . more than 30 years. There have been many, many articles—you could. . . fill this room with the number of articles and PhDs that have been [written] on petrol sniffing.

*The Hon. P. Holloway interjecting:*

**The Hon. R.D. LAWSON:** Yes. In his social justice report of 2003, the retiring social justice commissioner, Bill Jonas, stated:

The sheer number of interdepartmental and intergovernmental forums for dealing with issues such as petrol sniffing on the lands reads like a nightmare from a Kafka novel.

But the language of partnerships and self-determination, with talk of partnerships and pursuing a youth policy (as suggested by Deidre Tedmanson) based on consensus, which this minister and this government insist on retaining, has created a fog of rhetoric. I fear that this government will not heed the warning of Dr Peter d'Abbs and Maggie Brady in a paper delivered to the Australian Institute of Criminology, in which they stated:

While communities must be partners in any program to address petrol sniffing, the notion that government agencies can sit back and insist that communities take 'ownership' of the problem and that all governments need to do is provide intermittent program grants to community groups needs to be exposed and rejected.

Regrettably, that seems to be the case on the lands at the moment. In an item published in *The Age* earlier this year, Noel Pearson hit the nail on the head in relation to petrol sniffing, when he wrote:

At present the welfare system provides unconditional income support to young people once they leave school. It immediately provides an easy solution to young people. You don't have to undertake further education or gain skills or work because you will receive an income regardless.

This path of least resistance becomes the road well-travelled. Young people have free money to purchase grog, cannabis and other substances. They soon become addicted. Thereafter, the welfare system pays for their addiction.

A major contributor to the weekly drug habits of young Australians is Centrelink. This may be an outrageous thing to say, but it is the truth. If we want to ameliorate the tragic situation that Bob Collins is talking about in remote indigenous communities, then we have to end unconditional welfare payments.

That is the sort of solution that this state government should be considering, but, with the new advisers and the present AP executive, I cannot see any desire to push forward with a solution of this kind.

In conclusion on this subject, the record of this government in relation to what is happening on the APY lands has been an appalling catalogue of indecision and failure. I look forward to the return to the lands of the Coroner for a report. He is unlikely to be affected by the spin and more spin approach of the Rann government and by its two-faced approach of saying it is doing things but not in fact delivering. This approach has also been seen in the justice portfolio over the past year. One could talk endlessly on this subject, but I will confine my remarks to a couple of the issues which have arisen. The first relates to parole and the criticisms made of our correctional system by the Presiding Member of the Parole Board, Frances Nelson QC.

Ms Nelson has had the temerity to prick the balloon of the 'tough on crime' and law and order stance the Premier has

affected. She has exposed it as pure posturing and has pointed out that the services delivered in our correctional institutions are totally inadequate, especially in relation to people with mental health issues. She describes the law and order rhetoric as 'huff and puff'. As Ms Nelson said, the facts are, as follows:

- 60 per cent of inmates in our prisons have not completed year 10;
- 60 per cent are below functional levels in literacy and numeracy;
- 44 per cent are long-term unemployed at the time of their offence;
- 5 to 13 per cent are intellectually disabled;
- 75 per cent have alcohol or other drug problems;
- 32 per cent are in for alcohol and other drug-related offences;
- 64 per cent are from broken homes;
- 75 per cent of women have been physically or sexually abused;
- 81 per cent of women in our prisons are suffering post-traumatic stress disorder;
- 17 per cent of males are pathological gamblers, and 46 per cent are problem gamblers;
- 50 per cent of males have consumed alcohol at a level which the WHO classifies as dangerous;
- 39 per cent of women and 21 per cent of men have attempted suicide; and
- hepatitis B and hepatitis C rates are 17 times higher.

Depression, schizophrenia and antisocial personality disorder are five, 10 and 20 times the community rate. These are the issues Frances Nelson raises—and they are real issues. But what does the community get? It gets attacks on the messenger. Ms Nelson was called shrill in a most intemperate attack by the acting attorney-general, who had the assistance of Jill Bottrill, the Premier's media adviser, in the outrageous media release he issued. This was a classic case of shooting the messenger.

Ms Nelson should be commended for revealing serious deficiencies, policies and practices in relation to parole, child protection and mental health. Instead, this government has resorted to vilification and intimidation in an effort to silence her. The Premier never answered the substance of Ms Nelson's statements. Why has not the government put appropriate resources into mental health and correctional services? Why are child protection issues being addressed so slowly? We still have not seen legislation recommended more than 18 months ago in a report by Robyn Layton.

**The Hon. T.G. Roberts:** If the previous government only kept up spending regimes—

**The Hon. R.D. LAWSON:** Talking of the previous government, it established a relationship between the University of South Australia and the Correctional Services Department to encourage the use of appropriate psychological services, and in the first budget of this government that link was broken and the important training of psychologists has withered, as has the number of psychologists within the system, under this government. Do not blame previous governments.

The blame game was also employed by the government in relation to Phillip Scales, the retiring deputy chair of the Parole Board. He wrote a reasoned letter indicating why he did not wish to be reappointed. The Premier in another place, in a most intemperate attack, suggested that all the Parole Board was interested in was the board receiving more money and not just their pay. The Premier said that that has already

been done, as if to suggest a public spirited and experienced person like Mr Scales was laying out his concerns and resigning from the board simply because he was not being paid enough. That was insulting and typical of this government's high handed approach to anybody who crosses it in this matter.

Let us also look at the way in which this government is into intimidating and threatening people and shooting the messenger. It cannot stand the truth and does not answer the substance of what Ms Nelson is saying but attacks her personally and suggests that she is telling lies and should tell the truth, the whole truth, etc. We have seen it also in the Premier's intemperate attacks from time to time on the Law Society, the legal profession and so on.

The Nemer case occurred within the past year, and it is interesting to see how this government has sought to milk that issue. Paul Nemer was sentenced at the end of July 2003 when Justice Sulan suspended a three years and three months sentence of imprisonment that he imposed following Nemer's plea of guilty to a charge of endangering the life of Geoffrey Williams. There was at that time a plea bargain and, when the sentence was announced, I stated—and I believe now and I believed then that I was correct—that the sentence was manifestly inadequate, that it did shock the public conscience and that it would be appropriate for some action to be taken. The Premier and this government saw the mob forming, sniffed the wind and, rather than exercising any sort of leadership in this matter, Mike Rann did what he so often does, namely, he jumped to the head of the mob which had already started to run, and he suggested that he was at the head of the parade.

In the course of the Nemer affair, the result of which is well known, we saw the government time and again posturing and blowing a lot of hot air, attacking the lawyers, attacking the criminal lawyers and attacking the South Australian Bar Association. We even got the comment in August last year that 'lawyers are enemies of the people', as described by this government. The government is again not prepared to face up to whatever case it might be making and is not prepared to put a cogent contrary argument; rather, it describes lawyers as enemies of the people.

Then we saw the shameless way in which Paul Rofe, the then director of public prosecutions, was undermined. He said that he was not stabbed in the back, but clearly the ground was cut from under Mr Rofe. The government commissioned a report from Chris Kourakis, the Solicitor General. Mr Kourakis used very colourful language in describing the way in which the Nemer plea bargain had been entered into and described Mr Rofe as inept. What did the government do with that report? Of course, it put it straight onto the web site. Usually reports of this kind are not put onto the web site. It issued a press release in which it picked out every purple passage, everything that was critical of—

*The Hon. P. Holloway interjecting:*

**The Hon. R.D. LAWSON:** No undertaking was given that you would issue a press release picking out every purple passage criticising Rofe, making it impossible for him to continue. Of course, Mr Rofe was there under pressure. So, what did Mike Rann do? Interestingly, on 22 April he went on Channel 7 and gave an exclusive, a new announcement, that he had called in the Solicitor General, Chris Kourakis QC, to examine matters arising in the petition relating to Henry Keogh, who had been convicted of murder in a case in which the prosecutor was Mr Rofe himself and about

which there had been, certainly from some quarters, an attack on the way in which Mr Rofe had conducted that case.

It was not new news at all; the petition had been with Mr Kourakis for months. It was not something for the Premier to be making some new announcement. He was using old news as an additional weapon to browbeat Paul Rofe into resigning. If the government wanted to get rid of Mr Rofe, it should have had the guts to come out and exercise the power which the government has under the DPP Act, if Rofe was not prepared to resign. Then, in what I think must be the low point for the first law officer in this state in the whole of the state's history, when Rofe resigned, the Attorney-General, who usually comes to parliament in his limousine, got on his bicycle, popped on the helmet, rode out in front of the cameras and waved the headline 'Get on your bike, Mr DPP' provided to *The Advertiser*. Under pressure, Rofe resigned. This Attorney-General—

**The Hon. P. Holloway:** How can you blame him for a headline in *The Advertiser*?

**The Hon. R.D. LAWSON:** Because he engineered a stunt in exactly the same way as the Premier when he visits the lands and stands in front of the cameras, because he is more concerned about what the cameras are doing than what the people on the lands might want to say to him when a meeting has been convened.

I think the other issue which, once again, shows the shallowness and posturing of this government is in relation to the guideline sentencing laws introduced by this government as part of the Labor Party's program. We supported guideline sentencing, because there is absolutely nothing wrong with consistency in sentencing. The Legislative Council agreed with our suggestion to include amendments establishing a sentencing guideline council similar to those in other states, but the Attorney-General refuses to accept any idea that is not of his own making. Eventually, this chamber agreed to withdraw that amendment to enable the legislation to pass.

The first case that went before the court for the determination of a guideline sentence on the application of the government—amidst much fanfare, of course—was for the offence of causing death by dangerous driving. Notwithstanding the earnest submissions of the government, the court took the view that the circumstances of these particular offences varied too much to make it either wise or helpful to lay down benchmark sentencing. The court was critical of the government's shallow approach. The judges said, 'It is necessary for executive government to provide programs and procedures with appropriately qualified staff who have the necessary resources.' The court said that a fairer justice system does not grow out of hot air and political rhetoric; it requires thoughtful investment and resources.

This is a government that likes to talk tough whilst it has cut funding to local crime prevention programs and rehabilitation programs in prisons. Victims of crime and the community in general deserve far more than this government has been providing. What did the government do when the court announced, quite properly, that under this legislation it would not be appropriate to lay down guideline sentencing? We had threats and posturing by the Attorney-General who suggested that the courts had not understood this legislation and, once again, he sabre rattled at the courts. This government talks a lot but delivers little.

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

**STAMP DUTIES (MISCELLANEOUS)  
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 speech and the explanation of clauses inserted in *Hansard* without my reading them.

Leave granted.

The *Stamp Duties (Miscellaneous) Amendment Bill 2004* ("the Bill") contains a number of amendments to the *Stamp Duties Act 1923* ("the Act") to implement new and clarify existing exemptions and concessions, confirm the operation of existing provisions and make other minor administrative changes to update the State's taxation laws.

I will deal with each of the amendments to the Act in turn.

The first amendment to the Act is to ensure that the electronic lodgement of an application to register or transfer the registration of a motor vehicle under the *Motor Vehicles Act 1959* ("the MV Act") is subject to duty.

In late 2001, the then Minister for Transport and Urban Planning entered into a contract with EDS (Australia) Pty Ltd to jointly develop and implement Electronic Commerce facilities ("EC facilities") for motor vehicle dealers, local government and insurers ("the participants"), as agents for Transport SA. These facilities include the processing of certain registration and licensing transactions, such as applications for the registration, transfer and renewal of registrations of motor vehicles via the Internet or Interactive Voice Response (IVR) technology.

Applications for both the registration and transfer of registration of motor vehicles will be processed via EC facilities with participants required to forward the written application for registration or the transfer of registration of a motor vehicle to the Registrar of Motor Vehicles. It is reasonable to expect that, over time, there will be no need for these written applications.

RevenueSA is a significant stakeholder in the EC project, as Transport SA is an agent for RevenueSA in the collection of stamp duty on the registration or transfer of registration of motor vehicles.

Therefore, it is proposed that the Act be amended so that where applications for the registration or transfer of registration of motor vehicles are made by means of an electronic communication approved by the Registrar of Motor Vehicles, that electronic communication is taken to be an instrument, which is chargeable with stamp duty.

This opportunity is also being taken to make a number of minor and technical amendments to clarify the operation of existing motor vehicle provisions and exemptions in the Act.

The second amendment is to remove the requirement that stamp duty payable on an application to register or transfer the registration of a motor vehicle must be separately denoted on the certificate of registration of a vehicle.

The current motor vehicle registration process displays the total fee receipted for a transaction. It does not contain a cash register imprint of the stamp duty paid (as a separate component of the total fee) as required under the current provisions of the Act.

It is proposed that the Act be amended so that the stamp duty payable in respect of an application to register a motor vehicle or transfer the registration of a motor vehicle does not have to be separately shown as a cash register imprint on the certificate of registration. The total fee payable consisting of stamp duty, a compulsory third party premium and administration fees will continue to be denoted on the certificate of registration.

The third amendment is to limit the exemption currently available in respect of a motor vehicle held in the name of a totally or permanently incapacitated ("TPI") person to only one motor vehicle owned by that person at any given time.

An exemption from stamp duty is currently available on an application to register or transfer the registration of a motor vehicle for ex-servicemen who are totally or permanently incapacitated as a result of their service. There is currently no restriction on the number of vehicles in respect of which a TPI person can receive the exemption.

This is an unintended outcome and conflicts with another exemption in the Act, where a person is eligible for a stamp duty

exemption in respect of an application to register or transfer the registration of a motor vehicle where the person has lost the use of one or both of their legs and as a consequence is permanently unable to use public transport, provided the person is the owner of the vehicle and it will be used predominantly for transporting that person. This exemption only applies to one vehicle owned by the disabled person at any one time.

The fourth amendment provides relief from stamp duty for spouses or former spouses, including *de facto* partners, where the registration of a motor vehicle has lapsed and an application to register a motor vehicle is lodged with the Registration and Licensing Administration Branch, Transport SA.

The Act currently provides a stamp duty exemption for instruments, the sole effect of which is to transfer the registration of a motor vehicle between spouses or former spouses. This provision was introduced to provide relief to both legally married and *de facto* partners in circumstances where motor vehicles are transferred as part of property settlements and the Commissioner of State Taxation ("the Commissioner") is satisfied that the relevant instrument has been executed as a result of the irretrievable breakdown of the parties marriage of *de facto* relationship.

On a strict interpretation of the exemption, spouses are not entitled to an exemption in circumstances where the registration of a motor vehicle has lapsed and subsequently an application to register a motor vehicle is lodged with the Registration and Licensing Administration Branch, Transport SA, as opposed to an application to transfer the registration.

Clearly, it is not intended to deny spouses or former spouses a stamp duty exemption in these circumstances. Accordingly, it is proposed that the Act be amended to correct this unintended outcome.

The fifth amendment removes the potential for double duty, where another instrument transferring property in the motor vehicle exists, but has not been lodged for stamping prior to an application to register or transfer the registration of the vehicle.

An exemption from stamp duty is provided on any application to register or to transfer the registration of a motor vehicle where duty has already been paid on another instrument by which the property in the motor vehicle was legally or equitably transferred to the applicant.

It is not reasonable that the timing of an application to register or transfer registration of a motor vehicle in these circumstances determines whether or not the exemption will apply. For example, the exemption will apply where an applicant executes an agreement transferring property in a motor vehicle, lodges the agreement at RevenueSA, pays *ad valorem* duty, and then registers the vehicle at Transport SA. However, the exemption will not apply if the applicant registers the vehicle at Transport SA, prior to lodging the agreement at RevenueSA.

The sixth amendment removes the potential for avoidance of stamp duty by primary producers, in circumstances where a primary producer has obtained conditional registration under the MV Act.

An application to register a motor vehicle is exempt from duty where immediately before the date on which the application is made, the motor vehicle was registered in the name of the applicant (and not in the name of any other person). This ensures that stamp duty is not payable each time a motor vehicle is re-registered in the same name.

The same exemption applies if an applicant satisfies the Registrar of Motor Vehicles that, immediately before the date on which the application is made, the motor vehicle was registered in the name of the applicant (and not in the name of any other person) under the law of another State or Territory of the Commonwealth and the applicant was a resident of, or carried on a business in that State or Territory.

The Act also provides an exemption from stamp duty payable in respect of an application to conditionally register a motor vehicle under the MV Act. The conditional registration provisions of the MV Act enable a primary producer to conditionally register a vehicle that is being used between two parcels of land, which are being worked on by the primary producer.

The potential for stamp duty avoidance arises when a primary producer obtains conditional registration under the MV Act, which is exempt from stamp duty and then fully registers the vehicle and obtains a further exemption from stamp duty because of the previous mentioned exemptions. The proposed amendment is intended to close this potential loophole.

The seventh amendment allows a person who is entitled under the MV Act to receive a *pro-rata* refund of registration fees, to also

receive a *pro-rata* refund of the stamp duty on renewal certificates for compulsory third party insurance.

The Act provides an exemption from stamp duty on the renewal certificates for compulsory third party insurance where the application for registration is made by a person entitled under the MV Act to have the motor vehicle registered at a reduced fee.

The MV Act states that the registration fee for a motor vehicle will be reduced by the prescribed amount if the Registrar of Motor Vehicles is satisfied that a motor vehicle is owned by a person who as a result of service in a naval, military or air force of Her Majesty, is totally or permanently incapacitated, or is blind, or has lost a leg or foot, or receives under the laws of the Commonwealth relating to repatriation, a pension at the rate for total incapacity, or a pension granted by reason of impairment of the power of locomotion at a rate of not less than 75 per cent of the rate for total incapacity.

The MV Act provides the Registrar of Motor Vehicles with a discretion to refund part of a registration fee where the owner of the vehicle becomes entitled to an exemption from, or reduction of registration fees, at any time during the period for which the vehicle is registered.

It is proposed to provide a similar *pro-rata* refund of the stamp duty on renewal certificates for compulsory third party insurance.

The eighth amendment merely ensures that Councils continue to receive an exemption from stamp duty on the registration or transfer of registration of their motor vehicles following the enactment of the *Local Government Act 1999*, which replaces the *Local Government Act 1934*.

The ninth amendment allows the Commissioner to seek a valuation or appoint a valuer, where the Commissioner is of the opinion that the amount declared in an application to register or transfer the registration of a motor vehicle is not the true value of the motor vehicle.

The current motor vehicle provisions in the Act do not provide the Commissioner with the discretion to obtain a valuation or appoint a valuer in these circumstances.

The tenth amendment seeks to align the exemption provisions in the Act with the new Parts VIIIA and VIIIB of the *Family Law Amendment Act 2000* (Cth), which came into operation on 27 December 2000 and 28 December 2002 respectively.

These amendments also extend the exemption provisions to include co-habitation agreements made pursuant to the South Australian *De Facto Relationships Act 1996* where persons have co-habited continuously as *de facto* partners for at least three years.

The proposed amendments exempt from stamp duty instruments that effect the disposition of property, including interests in superannuation, between married parties and *de facto* partners during or after dissolution of marital or *de facto* relationships.

The eleventh amendment seeks to address a drafting matter arising from an amendment made to Schedule 2 of the Act by the *Statutes Amendment (Corporations-Financial Services Reform) Act 2002*. That Act amended the terminology in the principal Act to take into account the new concept of *financial product*. An amendment to an exemption in Schedule 2 that replaced the word "security" with "financial product" has caused some uncertainty as to the scope of the provision. The amendment was not supposed to alter the effect of the provision and so it is proposed to clarify the matter by again referring to a security (being a security similar to those already mentioned in the provision).

I would like to thank the various Industry Bodies and taxation practitioners who have made their time available to consult on the development of a number of the proposals contained in this Bill. The Government is very appreciative of their contribution.

I commend this Bill to Honourable Members.

#### EXPLANATION OF CLAUSES

##### Part 1—Preliminary

###### Clause 1: Short title

This clause is formal.

###### Clause 2: Commencement

This clause provides that the measure will come into operation on a day to be fixed by proclamation (other than the amendment made by clause 10(8) of the Bill which is appropriate to bring into operation on assent).

###### Clause 3: Amendment provisions

This clause is formal.

##### Part 2—Amendment of Stamp Duties Act 1923

###### Clause 4: Amendment of section 42A—Interpretation

Section 42A contains definitions for the purposes of the division of the Act dealing with motor vehicle registration. This clause inserts subsection (2), which allows an applicant for registration, or transfer

of registration, of a motor vehicle to make the application by a means of electronic communication approved by the Registrar of Motor Vehicles. If an applicant makes application by an approved means, the electronic communication is taken to be an instrument executed by the applicant and is chargeable with duty as an application for registration or transfer of registration.

###### Clause 5: Amendment of section 42B—Duty on applications for motor vehicle registration or transfer of registration

This clause inserts into section 42B a number of new subsections after subsection (1). The existing subsection (1a) is therefore redesignated as subsection (1d) (and a consequential amendment is also made to subsection (2)).

The effect of the new subsections is to allow the Commissioner to obtain a valuation of a vehicle, at the cost of the applicant for registration of the vehicle, if the Commissioner is not satisfied that the amount stated as the value of the vehicle in the application reflects the market value of the vehicle. The Commissioner may then assess the duty payable by reference to the valuation.

The amendment to section 42B(2a) made by this clause removes the requirement that the amount of *duty* paid by a person on an application to register or transfer a vehicle be denoted on the certificate or transfer form but substitutes a requirement that the total amount paid by the person on the application be denoted.

This clause also inserts a new subsection (2b). This subsection clarifies that section 6 of the Act, which requires that the payment of duty on an instrument is to be denoted on the instrument by an impressed stamp, does not apply in relation to an application to register a motor vehicle or transfer the registration of a motor vehicle.

###### Clause 6: Insertion of section 42CA 42CA. Refund of duty on eligibility for reduced fee

Section 42CA permits the Commissioner to refund to the owner of a vehicle part of the component of duty paid in respect of an application for registration of a vehicle relating to a policy of insurance. The Commissioner may permit a refund if satisfied that the owner of the vehicle has become entitled to an exemption from, or reduction of, registration fees payable under the *Motor Vehicles Act 1959* at any time during the period for which the vehicle is registered.

###### Clause 7: Substitution of section 71CA 71CA. Exemption from duty in respect of Family Law instruments

This clause recasts section 71CA, which currently provides an exemption from duty for maintenance agreements and certain other documents under the *Family Law Act 1975* of the Commonwealth in certain circumstances, by extending this exemption to other instruments under that Act. The definition of "Family Law agreement" now includes a maintenance agreement, a financial agreement or a splitting agreement. These terms are separately defined in section 71CA(1). The section also provides an exemption for deeds or other instruments executed by trustees of superannuation funds to give effect to, or consequential on, a Family Law agreement, a Family Law order or a relevant provision of an Act or law (State or Commonwealth) relating to the transfer or disposition of property or any entitlements on account of a Family Law agreement or Family Law order.

Section 71CA, as recast by this clause, is in other respects substantially the same as the existing section.

###### Clause 8: Amendment of section 71CB—Exemption from duty in respect of certain transfers between spouses or former spouses

Section 71CB(2) currently provides an exemption from stamp duty for an instrument that has the sole effect of transferring an interest in the matrimonial home or registration of a motor vehicle between parties who are spouses or former spouses. This clause amends that subsection by extending the exemption to an instrument of which the sole effect is to register a motor vehicle in the name of a person whose spouse or former spouse was the last registered owner of the vehicle, either alone or jointly with the person in whose name the vehicle is to be registered.

###### Clause 9: Insertion of section 71CBA 71CBA. Exemption from duty in respect of cohabitation agreements or property adjustment orders

This clause inserts a new section. Section 71CBA provides an exemption from stamp duty in respect of cohabitation agreements and property adjustment orders under the *De Facto Relationships Act 1996*. This section is in similar terms to the new section 71CA, proposed to be inserted by clause 7, but provides an exemption to instruments relating to agreements in respect of *de facto* relationships.

*Clause 10: Amendment of Schedule 2—Stamp duties and exemptions*

Clause 10 amends a number of the provisions of Schedule 2 relating to applications for registration or transfer of motor vehicles.

The amendment to exemption 6 made by subclause (1) removes the possibility of an applicant being required to pay duty on a transfer or registration instrument when duty has been paid or is payable on any other instrument for the same transfer or registration.

Subclauses (2) and (6) replace references to the *Local Government Act 1934* with references to the 1999 Act.

The amendments made by subclauses (3) and (7) have the effect of limiting the stamp duty exemption available to a person entitled to a reduced registration fee under section 38 of the *Motor Vehicles Act 1959* to one vehicle. That is, such a person is not entitled to the exemption if he or she is already enjoying the benefit of the exemption in respect of another motor vehicle.

Exemption 15 applies in relation to any application to register a motor vehicle where the vehicle was, immediately before the date on which the application is made, registered in the name of the applicant. By virtue of the amendment proposed under subclause (4), this exemption will not apply if the vehicle was *conditionally* registered under section 25 of the *Motor Vehicles Act 1959* immediately before the date on which the application is made.

The amendment made by subclause (8) addresses a drafting matter arising from the *Statutes Amendment (Corporation-Financial Services Reform) Act 2002* to clarify the scope of an exemption under clause 3(2). This amendment is to have immediate effect from assent.

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

### MEDICAL PRACTICE BILL

In committee.

Clauses 1 and 2 passed.

Clause 3.

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

Page 5, after line 16—

Subclause (1)—after the definition of equipment insert: exempt provider means—

- (a) a recognised hospital, incorporated health centre or private hospital within the meaning of the South Australian Health Commission Act 1976; or
- (b) any other person declared by the regulations to be an exempt provider for the purposes of this act;

The amendment creates a definition of ‘exempt provider’. The policy rationale is that one of the significant objectives of the Medical Practice Bill is to ensure that high quality medical services are provided and that those providing the service—both individuals and organisations—are accountable for the services that they provide. Medical service providers established under the South Australian Health Commission Act and private hospitals licensed by the act are subject to direction by the minister, either directly or by variation to their licence. The minister, under the SAHC ACT, has broad responsibilities and powers to ensure that the objectives of the act are met. This includes the capacity to direct bodies under the act, should the need arise. Medical service providers not covered by the SAHC Act are not subject to any direction or scrutiny by the minister or other body in relation to the provision of medical services except the Medical Board through the provisions of this bill.

Given the minister’s powers and responsibilities under the act, it is not appropriate for those bodies under the SAHC Act to also be subject to direction by the Medical Board. However, so that the board can be informed of the issues regarding the provision of services, exempt providers will, under clauses 49 and 80 of the bill, be required to report to the board when they are of the opinion that a practitioner or

medical student is medically unfit, engaged in unprofessional conduct or has a claim for alleged negligence made against them. The Medical Board will then be able to make this information available in its annual report that must be tabled in parliament. This ensures that there is also better public accountability and scrutiny of medical service providers established or licensed under the SAHC Act, but it does not place those services in the difficulty of being accountable and possibly subject to inquiry by both the Medical Board and the Minister for Health. The Medical Board is also able to advise the minister of any issues that it regards as significant that may be brought to its attention through this reporting process.

**The Hon. A.J. REDFORD:** I have a couple of questions to ask so that I know exactly where we are headed. First, I note that this will add the definition of a new class—exempt providers—that has not previously been provided for in the bill. Could the minister point to which specific clauses use the term ‘exempt provider’?

**The Hon. T.G. ROBERTS:** I am informed that the definition relates to Part 5—investigations and proceedings. It is woven through the whole of Part 5.

**The Hon. A.J. REDFORD:** I do not want to be a nuisance, but I would like to know where ‘exempt provider’ works in the bill. Just to give me the answer that it is in Part 5, with the greatest respect, is not sufficient. There must be a specific clause where it is used. I have found only one, if it helps the minister, and that is his proposed amendment to clause 49. Are there any others that I might have overlooked?

**The Hon. T.G. ROBERTS:** The main provisions where a relevant exempt provider need not apply relate to clause 39. They are not subject to disciplinary proceedings (part 5). Also, take out clause 90 (evidence provision) and clause 49 (obligations to report unprofessional conduct of medical officers). So, take out clauses 39, 90 and 49.

**The Hon. A.J. REDFORD:** Before we get into the substance of the debate, it is important that we clarify this so that we know exactly what we are debating—it might save a bit of time. My understanding is that a vote on this amendment moved by the minister would be a test in relation to amendments Nos 1, 22, 27 and 48; and that, in the event that this is successful, I will not proceed with my proposed amendment. I just want to make sure that we are clear on that, and then we can get into the substance of it.

**The Hon. T.G. ROBERTS:** The information provided to me is that—and I am not sure whether it clarifies the issue raised by the honourable member—it is important in clauses 1, 2 and 27. We get into this trouble every time we move ahead of clause 1, but if the honourable member wants to find out whether his amendments will be relevant to other clauses then, I guess, this is the one to do it in. The definition of ‘medical service provider’ excludes exempt providers, which is why notification under clause 39 is not relevant. The term is relevant to the clause in relation to unprofessional conduct (clauses 27 and 49).

**The Hon. Sandra Kanck:** Do you mean clause 27 or amendment No. 27?

**The Hon. T.G. ROBERTS:** Amendment No. 27; clause 49, amendment No. 27.

**The Hon. A.J. Redford:** Clause 49, amendment No. 27; clause 90, amendment No. 48. They are the two relevant clauses.

**The Hon. T.G. ROBERTS:** I have not been given No. 48.

**The Hon. A.J. Redford:** Clause 90, amendment No. 48.

**The Hon. T.G. ROBERTS:** Amendments Nos 1 and 2 are the only other ones I have been given. I have not been given amendment No. 48.

**The Hon. A.J. REDFORD:** What I am trying to do is establish that the movement of this clause is a test for subsequent amendments, firstly, in relation to amendments to clause 49 and amendments to clause 90; and, in so far as amendments moved by the opposition are concerned, it is a test in relation to my amendment No. 1 which I propose to move to clause 3, which is to change the definition of 'medical services provider'. If everyone is happy with that, perhaps I will put the opposition's position in dealing with that raft of clauses. The amendment moved by the opposition deals with a definition of 'medical services provider'. It takes the definition which was there and deletes 'recognised hospital, incorporated health centre, or private hospital, or any other person excluded by regulations'.

Initially, the medical board was opposed to the draft of the bill that was presented in another place and, indeed, the medical board was opposed to the draft that was initially presented to the Legislative Council. They indicated that they believed that there should be no differentiation between any medical providers, and that all medical providers should be subject to examination and scrutiny by the board. Their initial position was that there should not be a distinction between public or private hospitals, or any other institution, that provides medical services to the community and that their jurisdiction, which is mainly a disciplinary jurisdiction, should extend to those institutions. It was with that in mind that the opposition moved its amendment so that the disciplinary proceedings would extend across the full range of institutions.

The government, in response to our amendments of just removing that distinction altogether, has come back with this particular amendment. As I understand the effect of amendment No. 27—and if I am incorrect, I apologise (and I am sure the minister will correct me)—it refers to a situation where a medical services provider or exempt provider is of the opinion that a practitioner (or student) through whom the provider provides medical treatment is engaged in unprofessional conduct, then the provider must submit a written report to the board, and it sets out various reasons. Indeed, more work is done in relation to amendment No. 46 (which is the amendment to clause 80, if the government is successful) which provides that, if a person has claimed damages or other compensation from a person against whom the complaint is made for alleged negligence, the board must be notified.

I am not sure why the government has gone down the path that it has selected, rather than just removing the exemption of public hospitals and other hospitals altogether, which is what the opposition did. However, the minister's staff provided me with a copy of a letter to the minister dated 21 July 2004, which I will read into *Hansard* so that we can narrow down the issue. The letter states:

Dear Minister Stevens

Thank you for providing the list of amendments to the Medical Practice Bill received yesterday, 20 July 2004. Following discussion with Dr Tony Clarkson and myself we are in agreement with the amendments. It is understood that the purpose of their introduction is in order to include matters relative to the Board's functions which would have been prevented on the basis of the earlier amended definition of a 'medical service provider—

and this is the important sentence—

Specifically, the exclusion from that definition of public and private hospitals. The proposed amendments redress that situation to a considerable degree.

I digress by saying that it does not say that it completely supports the amendment: it says that it goes to a considerable degree to address the concerns that were raised by the opposition in another place. The letter continues:

It is the Board's understanding that the amendments if passed will ensure the following:

1. Protection against personal liability for Board Members. . . (Previously omitted. . .
2. Allow the Board to require registered persons to have appropriate insurance arrangements. . .
3. Appropriate registration requirements for temporary and interstate medical students—

and then the important one—

4. The reporting by an employer, including 'exempt providers', of a registered person who may be unfit to practise.
5. Reporting by 'exempt providers' on matters which may constitute unprofessional conduct including behavioural or attitudinal problems.
6. Ensuring that matters settled under 'exempt providers' professional indemnity insurance arrangements, are reported to the Board where such matters relate to involvement of registered persons, whether or not such persons are listed as individual defendants.

It goes on:

Insofar as the amendments are able to meet the Board's requirements in relation to the above the Board supports the amendments.

Yours faithfully, Joe Hooper, Registrar/Chief Executive Officer.

The proposed amendments redress that situation to a considerable degree, but at this stage the opposition is not persuaded that its amendment is not the better course of action, rather than establish a category of 'exempt medical provider' and then include that category insofar as the notification to the board is concerned. It does not do anything about extending the jurisdiction of the board (what the board may or may not do) in relation to that area. I would be most interested to hear from the government as to why its amendment should be preferred over and above the amendments moved by the opposition in another place and here, particularly given the qualification and the use of the term 'considerable degree' in the letter from the Medical Board of South Australia.

**The Hon. NICK XENOPHON:** Having heard the Hon. Angus Redford's contribution, I think these are important matters that need to be addressed. If they will have the effect of watering down the effect of that legislation, we need to know that. I, too, share reservations about this amendment. I am concerned that it is so broad that it waters down the effect of the legislation. I am very concerned about the scope of paragraph (b): allowing this to be dealt with by regulation, because it could effectively stymie the intent of the bill substantially. Until there is a satisfactory response, I am not inclined to support this amendment.

**The Hon. SANDRA KANCK:** I seek some guidance. Can I speak about an amendment which is on file but which has not been moved?

**The CHAIRMAN:** Technically not, but I think the Hon. Mr Redford is making a genuine attempt to try to set the parameters for the whole of the bill by establishing where the minister is trying to go with this. I think he is rightly pointing out that, if we shift these two amendments from place to place, they could have a consequential effect. So, whilst the Hon. Mr Redford does not want to engage in debate on these issues, I think he is rightly making the point that we need to make a decision about these two definitions.

There is a definition of 'medical provider' and the minister is now moving to insert a definition of 'exempt provider'.



What has clearly been established is that both these definitions will have a consequential effect on the discussion on these other issues. I think the point the Hon. Mr Redford is making is that this then makes these definitions a test case. If that is so, I am prepared to allow the Hon. Mr Redford and yourself and the Hon. Mr Xenophon to refer to these amendments because, otherwise, we might go down the track, hit a brick wall and have to come back. The point made by the Hon. Mr Redford is a good one. It is best to establish it at this point. If we cannot get a clear definition at this stage, the minister may have to report progress.

**The Hon. SANDRA KANCK:** It seems to me that we are dealing with the addition of 'exempt provider', which obviously refers to a later definition of 'medical services provider'. Those two definitions are obviously linked. If you take the definition of 'medical services provider' as it currently exists and you take out half of it (that is, paragraphs (a) and (b)), what would be the effect? For instance, without those riders in paragraphs (a) and (b), would that allow the Medical Board to close down a hospital?

**The Hon. T.G. ROBERTS:** The answer to that is no but, because members have other doubts and confusion still exists, I think it might be wise to report progress. Before we return to debating the clauses, I think we need to get some sort of an agreed position between the parties, because this is an important part of the bill and it will affect the remainder of the clauses. Under our amendment, the board cannot shut down a hospital, but under the Hon. Mr Redford's amendment the board can.

**The Hon. SANDRA KANCK:** That is what I was asking. If you take out paragraphs (a) and (b) in the definition of

'medical services provider', can the board shut down a hospital? Your answer is yes.

**The Hon. T.G. Roberts:** A public hospital.

**The Hon. SANDRA KANCK:** Or any hospital—a recognised hospital?

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

**The Hon. A.J. REDFORD:** I do not want to labour the point, but I think that is a bit simplistic. It is not only a matter of closing down a hospital; it is also a matter of where a doctor may well have an administrative capacity and be responsible for the supervision of a range of doctors and what the jurisdiction of the board might be in relation to acts that might be characterised as administrative as opposed to medical.

So, a doctor who is an administrator might have the capacity to have quite a significant influence on the way in which medical services are delivered to patients or to the community but not necessarily in terms of a medical procedure. That may well be an issue that is not covered under the government's proposal, but it would be under the opposition's proposal. I do not need an answer on any of this at the moment, but I would be most interested to know in quite specific terms why the government's amendment is better than those proposed by the opposition. With that, I am happy to give an indication of support to the proposal that we report progress, bearing in mind that I will not be here tomorrow and that it will be Wednesday before we return to the bill.

Progress reported; committee to sit again.

#### ADJOURNMENT

At 5.47 p.m. the council adjourned until Tuesday 21 September at 2.15 p.m.